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ARCHIVES OF MARYLAND

LV

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

1757-1758

(25)

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J. HALL PLEASANTS
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LETTER OF TRANSMITTAL.

Baltimore, October 1, 1938.

To the Maryland Historical Society,

GENTLEMEN:

The Committee on Publications presents to the Maryland Historical Society this volume of the *Archives of Maryland* containing the Proceedings and Acts of the General Assembly of Maryland for the year 1757 and for part of the year 1758. This is Volume LV of the general series, and the twenty-fifth volume of the sub-series recording Assembly affairs. The proceedings of the two houses for the four sessions held during the year and a half covered by this volume become progressively more voluminous. This is not due to an increasing amount of legislation passed, which was small, but to the bitter disputes between the two houses on political and economic questions which had as their result the interchange of very numerous and lengthy addresses between Governor Sharpe and the Lower House, as well as between the two houses, and the records of the innumerable votes taken in the Lower House on disputed measures.

During the period covered by these Assembly proceedings—from October 1756 to May 1758—the fortunes of the war for the control of Canada and the Mississippi Valley oscillated between Great Britain and France with the swing in favor of the latter. Britain and her American colonies were still under the shadow of the crushing defeat which the French had administered to Braddock and the forces under him on the Monongahela in the summer of 1756. Shirley, who had succeeded Braddock as commander-in-chief, had in turn been replaced by the Earl of Loudoun, who arrived in New York, July 23, 1756. Among the first orders which he issued were two that had not tended to insure him a warm welcome. One was his announcement that no provincial general officer or field officer, however high his rank, was to have a rank higher than that of captain while serving with the regular British forces; the other order was that the British commanders in the several colonies might quarter soldiers on the inhabitants without the consent of the colonial assemblies. These very unpopular measures tended to increase the strain which was already developing between the people of the colonies and the home government. Added to these irritations there was in Maryland the already existing tension between the people and the Lord Proprietary as to the methods of taxation to be employed to prosecute the war, and the determination of the people to take advantage of the critical situation to gain a greater degree of self-government.

Following the defeat of Braddock, the fortunes of Great Britain in America in the Seven Years' War with France, reached a low ebb under a succession of incapable military leaders who were responsible for a series of military reverses. A few weeks after Loudoun took command, Fort Oswego fell to General Montcalm, and the French thus gained control of Lake Ontario. The ignominious failure of Loudoun in the summer of 1757 to capture Louisburg on Cape Breton Island, and the fall in August of Fort William Henry on Lake George to Montcalm, with the massacre by the French Indians of the English troops after its surrender, swelled the tide of ill-fortune. Towards the close of the year 1757 Loudoun, who strange to say notwithstanding these reverses was beginning to rise in the estimation of the officers under him, was recalled and General James Abercrombie was sent to succeed him as commander-in-chief. But Abercrombie was to prove no more of a success as a commander than Loudoun. At the head of a very large force of six thousand British regulars and nine thousand provincial troops Abercrombie on July 8, 1758, made an unsuccessful attack upon Fort Ticonderoga on Lake Champlain, where he was repulsed with considerable loss by Montcalm in command of a garrison greatly inferior in numbers, and sought safety in ignominious flight back to his boats on Lake George. Fortunately for Britain, however, an important victory in another field, and one which was to turn the tide of war in her favor, had been gained a few days before the disgraceful failure of Abercrombie at Ticonderoga. This was the capture of Louisburg on June 27, 1758, by General Amherst and the British fleet, which retrieved the failure of Loudoun to capture this stronghold a year before. The British now gained control of the St. Lawrence, and the important theatre of war was transferred from the south to Canada.

Before news of the defeat at Ticonderoga and the successful attack upon Louisburg reached Maryland, the western expedition under Brigadier-General John Forbes with a force of about 7000 men including 500 Maryland militia, began its march to the Ohio, which was to result in the capture by the British of Fort Duquesne on November 24, 1758. The success of this expedition, carefully planned by Forbes, who unfortunately died of dysentery before victory was achieved, justified the wisdom of Governor Sharpe in his insistence upon the maintenance of an ample garrison at Fort Cumberland, a policy, as we shall see, that had been the cause of continual bickering between him and his Assembly, as is narrated in so much detail in these records. An unfortunate result of the capture of Fort Duquesne was, that when Maryland was thus relieved of the fear of a successful attack upon her western frontier, the Lower House of the Assembly stubbornly refused to take further measures to assist in the prosecution of the war.

The proceedings of the Upper House exist only in the official manuscript libers, and from these the Upper House entries printed in this volume have been taken. The proceedings of the Lower House and the acts of the Assembly, however, exist both as contemporary official manuscript records in liber form and as contemporary printed pamphlets. As reproduced in this volume both of these sources have been carefully compared and checked for errors or variations in the text. It may be added that the marginal notes reproduced in this volume are to be found only in the contemporary printed pamphlets.

Messages, addresses, and letters which are recorded in the proceedings of both houses, if of any considerable length, are printed only in the proceedings of the house in which they originated, but if brief they are reproduced under the proceedings of both houses. The source material available for the publication of the proceedings and acts of the Maryland Assembly is discussed more fully in the introduction to a former volume of the *Archives* (*Arch. Md. lii,* xxxiv-xxxv).

The Committee on Publications is indebted to Miss Elizabeth Mann for the carefully prepared index to this volume. Mrs. Vivian E. Barnes of the Society's staff has rendered valuable assistance in helping to prepare the copy for the press.

The next volume of the *Archives* will contain the *Proceedings and Acts of the General Assembly* for the remainder of the year 1758, and for the next succeeding three years.

Respectfully submitted,
J. HALL PLEASANTS (*editor*),
W. STULL HOLT,
RAPHAEL SEMMES,
Committee on Publication.

INTRODUCTION.

The bitter struggle between the popular or county party of the Lower House and the Proprietary and conservative interests as represented by the Governor and the Upper House, which has been narrated in former volumes of these *Archives,* reached a high water mark in the four sessions here recorded. In control of the purse strings of the Province, the Lower House at a time when money was desperately needed to provide men and supplies to prosecute the war, used this weapon in an attempt to extort political concessions from the Lord Proprietary, even to the extent of jeopardizing the defence of its own frontiers.

This introduction will first summarize the proceedings of the four sessions covered by this volume, and will then discuss in more detail under various headings the sundry controversial questions of political, legislative, legal, administrative, and military importance, which are brought out by a study of these Assembly records.

SESSION OF APRIL–MAY 1757.

This volume opens with the proceedings of the General Assembly which met from April 8 to May 9, 1757, in Baltimore Town, then a village of perhaps thirty houses. This was the sixth and last session of the Assembly which had been elected in November–December, 1754, and the meeting was held in Baltimore instead of Annapolis because of the smallpox epidemic then raging in the latter place. The meeting of the Lower House was held on the first day at the house of Thomas Sligh (p. 44), but on the following day it met at the home of the Rev. Thomas Chase, the rector of St. Paul's Parish, who was engaged to read prayers twice daily (p. 46). The record does not disclose where its subsequent meetings were held, but this was doubtless at the Chase rectory. This session was characterized by the same acrimonious disputes between the Governor and the Upper House on one hand, and the Lower House on the other, as had occurred in the immediately preceding sessions of this same Assembly. The Lower House organized by choosing Col. Henry Hooper of Dorchester County as Speaker in the place of Alexander Williamson of Kent, who was too ill to attend (p. 51). The Upper House met at the home of "Mr. Buchanan", probably William Buchanan who kept an inn near the northeast corner of Market and Calvert streets (pp. 41, 108).

Governor Sharpe in his opening speech to both houses on April 8 laid before them the minutes of a meeting which had opened in Philadelphia on March 15, between the Earl of Loudoun, the commander-in-chief of the King's forces in America, and the governors of Maryland, Pennsylvania, Virginia, and North Carolina. At this meeting these four colonies and South Carolina were asked to furnish at their own expense 3,800 provincial troops, of which Maryland's quota was to be 500 men, these colonials to be joined to 1,200 of the King's regular troops. Two thousand of these provincial troops were to march to South Carolina but none of those from Maryland were to take part in this expedition to the south (pp. 3-5). The minutes adopted at the Philadelphia meeting of the governors provided that the King's troops, both in time of peace and in time of war, should be properly quartered among the inhabitants of several colonies, and that carriages for transporting their baggage should be supplied at reasonable rates. The billeting of troops in the homes of the inhabitants was to prove one of the great grievances of the people against the Crown.

The Upper House expressed the desire to meet the "so moderate" request of the Earl of Loudoun (p. 6), but the Lower House, after declaring its wish to promote the service of the King by doing "every Thing that may be reasonably expected of us", did not commit itself further, and three days later, on April 12, asked the Governor for details as to the number and terms of enlistment of the men now in the service of the Province (p. 49). On the following day the Lower House sent a message to the Governor enquiring by what law of England and Maryland he was authorized to quarter troops on the inhabitants (p. 52). To this last enquiry Sharpe replied that this would be done by "command of His Majesty" (p. 60).

The Governor, on April 12, sent a message to the Lower House that the Virginia troops which had been garrisoned at Fort Cumberland for its defence had been ordered to South Carolina, and that at the request of the Earl of Loudoun he had ordered a detachment from the Maryland forces under Captain Dagworthy to garrison that fort (p. 50). It will be seen that the Lower House felt that Fort Cumberland should be manned by British regulars, and bitterly opposed the use of Maryland troops to defend a fort which it felt was too far distant from its settled frontier to be assumed by the Province (p. 97). Governor Sharpe on April 12 furnished the Lower House information as to the number of provincial troops then enlisted for the security of the frontier, the time and term of their enlistment, and their pay; he also sent the last returns from the officers at Fort Frederick, showing that the First and Third companies were complete and that the Second company was being recruited with "pretty good success" (pp. 49, 50). On April 16 the Lower House, sitting as a committee of the whole, resolved that a force of not over 500 men be kept in the pay of the Province for the defence of the frontier, that certain balances heretofore granted and unexpended under former Supply acts be used for their support, and that of the men stationed on the frontier a sufficient number must always be left at Fort Frederick for the defence of the settlements (p. 61). The Lower House before proceeding to draft a Supply bill appointed a committee to find out what balances were left unexpended under previous acts for His Majesty's Service. This committee reported on April 15 that of the money granted under the acts of February, 1756, and of September, 1756, under the former there was unexpended £7,469: 17: 4; that of the £4,000 reserved [under the two acts] for rewards for Indian scalps and prisoners only £3,979: 10: 0 had been spent, and of the £3,000 set aside to cultivate friendship with the Cherokee Indians, none had been spent (p. 59).

The Lower House on April 16 then appointed a committee to draw up a bill for raising and supporting a force of not more than 500 men for use on the frontier (p. 61); the terms of this bill are discussed elsewhere (pp. xxiii-xxv). A committee was appointed on April 8 to act with a committee from the Upper House to examine the accounts of the commissioners or trustees of the Paper Currency Office, or the Office for Emitting Bills of Credit, as it was called by the Upper House (pp. 19, 49, 50). It was also more familiarly known as the Loan Office. Another committee was directed to bring before the Lower House a copy of the proceedings of the commissioners which had met in October 1756 to lay the public levy (p. 53).

The Lower House then proceeded to bring forward for discussion various questions which at previous sessions had been the subjects of disagreement between the two houses. In an address dated April 14, it called the Governor to account for not entering suit against the naval officers at ports of entry who had allowed servants having seven years or more to serve, and who were in fact transported convicts, to land before paying the import duties imposed by the Maryland law of 1754 (p. 56). This dispute as to the legality of a tax on convicts is gone into in detail later so need not be discussed here (pp. xlv-xlvii). The Supply bill for his Majesty's service was introduced on April 18 and was promptly passed without amendment, and sent to the Upper House on April 20 (pp. 62, 64). Elsewhere it will be told how it was amended in the upper chamber, and the sharp differences of opinion which then developed between the two houses as to the methods of taxation to be employed to raise the necessary funds, and as to the restrictions which the Lower House sought to impose upon the Governor in the handling of these funds and in the disposition of the troops. Two other questions which had occupied the attention of the Assembly at previous sessions, and were to be subjects of acrimonious dispute at future meetings, cropped up at this session. These were the measures directed against the Roman Catholics by the Lower House (pp. 79-87) and the vindictive attitude of this house towards John Rawlings, a former justice of Frederick County. The Catholic question is separately discussed at length elsewhere in this introduction (pp. xli-xlii). The reader is referred to a previous volume of the *Archives* for a summary of the Rawlings affair (*lii*, pp. xiv-xv). Charges of high handed methods in the administration of his office had been brought against Rawlings in the Lower House in 1755, and he had been summoned before its bar. The Governor, who had investigated these charges and found them unjustified, had pointedly reminded the house that he, and not the legislative branch of the government, was responsible for the courts and the conduct of the judges, and it was not the business of the house to meddle in such matters. A renewed attempt on the part of the house at this session to revive the old controversy, notwithstanding the fact that Rawlings had died some time since, brought a sharp rejoinder from the Governor in which he advised the house to attend to the important business before it, and accused it of having omitted in the record of the proceedings of that body certain parts of his message of March 25, 1755, on this subject (pp. 100-105, 114-115).

Seventeen laws were enacted at the April–May 1757 session. The Supply bill, or act for His Majesty's Service (No. 1), was of course the most important legislation passed (pp. 119-129). The struggle between the two houses as to this act is fully discussed later (pp. xxv-xxvii). Ten of these acts (Nos. 2-11) continued in effect laws enacted at previous sessions which were about to expire by time limitations. A new law (No. 14) was passed to compensate masters of servants "enticed by Recruiting Officers to enter His Majesty's Service", the value of the unexpired term of service to be determined by the justices of the county courts (pp. 136-137). The usual act (No. 15) for the relief of certain languishing prisoners, twenty-one in number, confined in county jails for debt, was passed (pp. 137-141). An act was passed (No. 16) to reimburse a number of persons for expenditures, obviously for the public service (pp. 141-143). As most of these persons seem to have been residents of Baltimore County, it is likely that these were expenditures incident to the session which had recently been held in Baltimore Town. An act (No. 17) was passed to prevent the exportation of warlike stores and provisions which might reach the French through neutral ports. There was so much opposition to the passage of this bill, which the people felt would greatly hamper trade, that its operation was limited to less than three months (pp. 143-145). This and other embargo measures are discussed more fully later (pp. xlviii-l). Two local laws were passed. One (No. 12) allowed the justices of Dorchester County to lease part of a lot in the town of Cambridge originally acquired for the erection of a prison (pp. 134-135). The other act (No. 13) extended the time in which clergymen, lawyers, and officers of All Hallows' Parish in Worcester County might pay their poll taxes (p. 135).

SESSION OF SEPTEMBER–DECEMBER, 1757.

The first session of the new Assembly elected in August and September, 1757, met in Annapolis on September 28, and continued in session for nearly three months. If Sharpe had hoped for the election of a more pliant Lower House than the one which had recently proved so obdurate, he was to be sadly disappointed. The same men who had previously led the popular party had been reelected, and the two Tilghmans, Matthew and Edward, Charles Carroll the Barrister, William Murdock, Edward Dorsey, Philip Hammond and John Goldsborough, headed most of the important committees and directed the policies of the House. The popular or county party continued to outnumber the Proprietary group in about the proportion of four to one.

The session opened with the usual exchange of messages and addresses between the Governor and the Lower House. It organized by selecting Henry Hooper of Dorchester as Speaker, Michael Macnamara, Clerk, Capt. Robert Saunders, Sergeant-at-Arms, and the Rev. Clement Brooke to read prayers. It adopted rules for its governance and appointed various committees (pp. 200-201, 213). At the outset, as a gesture to show its independence of Proprietary influence, the House adopted a number of resolutions emphasizing the views of the majority on sundry political questions, which had in the past given rise to sharp differences between this house and the Proprietary government (p. 206). It resolved that all commissions to judges should have incorporated a clause requiring that all justices in the Province should enforce all the laws of England except where these had been superseded or modified by laws of the Province; that the oaths taken by judges should contain a declaration that justice should not be delayed or influenced by instructions from King or Proprietary; that the people of Maryland were entitled to the benefits of the Common Law of England, as this Province had been purchased from the Indians and could not in any way be deemed as "a conquered country"; and lastly, that although the house was convinced that the Act of 1704 under which twelve pence export duty was collected on each hogshead of tobacco by the Proprietary for his personal use, had legally expired, even were it still in force, three pence of this should be devoted to the purchase of arms and ammunition for the defence of the Province and not go into Baltimore's pockets.

Several disputed election cases which came before the Lower House for decision are fully commented upon elsewhere in this introduction (pp. xxxiii-xxxv). The attempt of the Lower House, made two days after the session began, to have the Sergeant-at-arms arrest in the Governor's home, John Ridout, the Governor's secretary, and bring him before the bar of the house so as to force him to disclose certain information in regard to public matters, justly aroused the Governor's ire and resulted in a heated dispute in which the Governor vehemently maintained the independence and immunities of himself and of those officially associated with him, as a coordinate branch of the government. This episode, known in these contemporary records as "this unlucky Affair of Mr. Ridout's" is discussed in considerable detail elsewhere (pp. xxxv-xxxvii).

The Lower House then instructed a committee composed of Philip Hammond, Edward Tilghman, Edward Dorsey, Mathew Tilghman, William Murdock, and Charles Carroll the Barrister, to draw up the important Supply bill which the Assembly had been brought together by the Governor to enact. This was the "Supply Bill for His Majesty's Service" to raise the men and money which the Province had been called upon by the King's ministers to contribute for the prosecution of the war. It was nearly four weeks later, when on November 12, the bill was brought by the committee before the Lower House, where it was considered in committee of the whole. The details of the two months bitter struggle which ensued between the two houses as to the terms of this bill, its final failure to pass because they were unable to agree upon the sources of taxation by which the £45,000 required was to be raised, and the restrictions which the Lower House sought to place upon the use of the troops by the Governor, are all fully narrated later (pp. xxv-xxvi).

On September 30, 1757, William Murdock, one of the "agents" entrusted with the disbursement of the funds raised under the various previously enacted Supply bills, who was also a member of the Lower House, presented the books and accounts of the agents for examination (pp. 209-210). These were duly "inspected" by a committee appointed by this house, and a report on the expenditures filed (pp. 213-214, 257-262). A joint committee was appointed by both houses to inspect the accounts of the commissioners for emitting Bills of

Credit, also known as the Loan Office or Paper Currency Office (pp. 152, 153, 214, 344, 352, 353). The reports of these two committees are discussed later under their separate headings (pp. lii-liv).

The report of the committee "to inspect the Arms and Ammunition and the Accounts relating thereto", dated December 9, 1757, includes an interesting inventory of the military supplies stored in various places in Annapolis; as in the room over the Council Chamber; in the room over, and the cellar under, the Conference Chamber; in the Powder House; and at the Half Moon Battery. The committee reported that the old cannon on the point [at Annapolis] had disappeared. Halberts, pikes, and daggers, in addition to various less archaic weapons, are among the items listed. The arms and ammunition which the armorer had delivered on the Governor's orders to sundry individuals are itemized. The report is signed by Thomas Johnson, Junr. clerk of the committee, who was later to become the Revolutionary governor of Maryland (pp. 216, 327-330).

Various petitions which had been presented to the Upper House were referred to the Lower House for its consideration. A petition from Joseph Wood asked for a reward for the "Invention /as he says/ of a Machine which will go perpetually without winding or Spring" (p. 157), and a committee was appointed by the Lower House to enquire into the matter (p. 239). The vestry of the Port Tobacco Parish in Charles County prayed for the passage of an act to enable the justices of that county to levy on the inhabitants of that parish 50,000 pounds of tobacco "for the Use of William Waite for Decorations made in the Church in the said parish and other Purposes therein mentioned" (p. 157). One petition requested that a bill be brought in to prevent the making of "Hedges in Rock Creek in Frederick County that may hinder the Fish from going up to breed" (p. 159). There were also several petitions by owners of servants asking that they be reimbursed for servants who had enlisted in the Royal American Regiment (p. 157). For some reason not clear the usual petition of sundry insolvent debtors languishing in county jails and asking for relief, was rejected by the Upper House at this session (p. 169). The petition of Robert Freeland, Jr. of Calvert County, requesting the passage of an act to validate a deed to a tract of land called "Deer Quarter" from Abraham and Eleazer Birkhead to Robert Freeland, Sr., the petitioner's father, was rejected by the Upper House (p. 170). The Assembly passed an ordinance appropriating £200 for winter quarters for British soldiers in Annapolis (pp. 173-174, 285-286).

Little important legislation was enacted at this session, as the failure of the Supply bill tended to widen the breach between the two houses. Of the seventeen acts passed, thirteen (Nos. 1-12, 16) were continuances of laws about to expire by limitation. One of these (No. 16) provided for payments to Jonas Green, the Provincial printer, for the publication of the session laws and Votes and Proceedings during the years 1757 and 1758 (pp. 401-2). One act (No. 17) amended an earlier act by strengthening its provision against the sale of liquor near fairs, horse races, court houses, musters, and on board vessels, and prohibited keepers of ordinaries from giving more than ten shillings credit to any person for liquor sold him (pp. 402-407). Two local acts were passed; one (No. 13) prohibited any person from allowing sheep or geese from running at large in Frederick Town (p. 398); and the other (No. 14) abolished the tobacco inspection warehouse at Plum Point in Calvert County (p. 399). One private act (No. 15) authorized Susannah, the widow of Talbot Risteau of the town of Joppa in Baltimore County, as executrix, to sell certain lands to pay her husband's debts (pp. 399-401). The committee of the Lower House to which was referred the widow's petition to be allowed to sell houses and lots in Joppa for the payment of these debts, recommended that her request be granted as it was " in a Town unlikely to Flourish ", a prophesy to be soon fulfilled (p. 306). The creditor who had obtained judgement against the widow for £767: 18: 0, was Sampson Levy, probably one of the earliest Jewish settlers in Baltimore County.

The agents appointed under the several Supply acts made a lengthy report to the Lower House on November 11, 1757. This report was a survey of the military expenditures made under the various supply acts and dealt with soldiers' pay, bounties, quartering of troops, provisions, messengers, arms, ammunition, scalp bounties, and sundry other items. To the student of military affairs of this period it is an interesting document. The legality of certain expenditures, such as the employment of women as cooks and nurses, was questioned by the committee of the Lower House which examined the accounts (pp. 213-214, 257-266).

SESSION OF FEBRUARY–MARCH, 1758.

The Assembly met at Annapolis, February 13, 1758, in what was called by the Lower House a " meeting ", and by the Upper House a " convention " of the Assembly, for at this futile session no legislation of any kind was enacted. The previous session had been prorogued on September 15, 1757, to meet again on January 3, 1758 (p. 390), but by later proclamations it had been successively prorogued until January 17, January 24, and February 6 (*Arch. Md. xxxi,* 240), although it did not actually meet until a week after the last mentioned date. In his opening speech to both houses, Governor Sharpe told them that he had sent to the Earl of Loudoun their addresses of September 15 and December 16, together with a copy of the rejected Supply bill, and was now transmitting the Earl's reply, with the expectation that they would promptly comply with his very reasonable representations (p. 411). Loudoun's letter, dated at New York, December 30, 1757, declared that as to the military part of the bill " had it been passed into a Law of the Province, it would have been a direct Infringement of the King's undoubted Prerogative, and as such was very wisely rejected by the Upper House ". This was of course a reference to the restriction which the Lower House sought to put upon the use of Maryland troops both as regards their disposition and their virtual control not by the Governor, but by agents to be appointed by the Assembly. He reminded them that the Provincial troops of the northeastern colonies had for three years been serving in New York, and that there had never been raised elsewhere the question as to the right of the commander-in-chief to order troops from one part of a colony to another, as the Maryland Assembly sought to do in the case of Fort Cumberland. He regretted that he could not come to Annapolis and meet the Assembly, but felt sure that it would now view matters "on a true Constitutional Footing" and enact such legislation "as is not only agreeable to our Instructions, but agreeable to our happy Constitution of Government in the British Dominions" (pp. 425-428). The Lower House of February 14 replied somewhat ambiguously, promising "to manifest our Care for the Preservation of the Lives, Liberties, and Properties of our Fellow-Subjects, our Zeal for the Common Cause, and Duty to our most Gracious Sovereign" (pp. 429-430); and the next day in an address to the Governor declared that it is unable to explain what Loudoun meant in referring in his letter to certain "Instructions" relative to the forming of bills laid before it, and asked Sharpe if anything in the nature of an agreement had been made between himself and Loudoun (p. 431). To this Sharpe replied he had never used the word "Instructions", and suggested that perhaps Loudoun might refer to his own letter of December to Sharpe as "Instructions", or to the letter from Henry Fox, one of the King's principal secretaries, dated White Hall, March 15,1756, or possibly to the instructions that were sent by the Ministry to the governors of the northern colonies when some attempt was made to restrain the service of their troops. "Several letters from His Majesty's principal Secretaries of State, relative to His Majesty's Instructions to the several Governors in America" were also read, but the journal of the Lower House does not show what these were (pp. 430-431).

The Lower House, sitting as a committee of the whole, took under consideration a Supply bill for His Majesty's Service, but was prorogued before debate upon it was well under way. The terms of this bill both as to the sources from which the necessary taxes were to be derived and the restrictions thrown around the Governor's use of the troops when raised, are discussed later (pp. xxvi-xxvii). The House had also stirred itself up to a high pitch of indignation because Sharpe had made use of the old act of 1715, under which he was empowered to call out the county militia, thus thwarting that body in its efforts to restrict his authority in military matters. Doubtless because he thought that a breathing spell might tend to relieve tension and open the door for compromise, Sharpe suddenly on March 9 prorogued this meeting or convention of the Assembly until March 23 (p. 463), although it did not actually meet until March 28. But if this was his hope he was to be disappointed. No legislation of any kind was passed.

SESSION OF MARCH 28–MAY 1758

Three weeks after the previous "convention" of the Assembly had adjourned it met in regular session at Annapolis on March 28, 1758, its meeting called for March 23 having been postponed by the Governor until March 28 (*Arch. Md. xxxi*, 266). The rules in use in the Lower House at the last session were adopted and the Rev. Clement Brooke was again appointed to read prayers twice daily (p. 548). That many members were disgusted with the futility of the preceding meeting is indicated by the fact that on the opening day of the session twenty-six members of the Lower House out of a total membership of fifty-eight were absent, and the Sergeant-at-arms had to be sent to summon them (p. 549).

Sharpe in his opening speech referred to the recent disastrous military campaigns against the enemy, and urged the Assembly to comply with the requirements of William Pitt, one of the King's principal Secretaries of State, that the several colonies immediately raise as large forces as was in their power for their defence (pp. 467-468). Letters from Pitt, dated White Hall, December 30, 1757, and from Gen. James Abercrombie, recently appointed by the King to succeed Loudoun as commander-in-chief, were laid before the Assembly. Pitt wrote that Brig. Gen. John Forbes would have immediate command of an important expedition westward to the Ohio with which the forces of Pennsylvania, Maryland and Virginia would cooperate, and added that "all Officers of the Provincial Forces as high as Colonels inclusive are to have Rank according to their several respective Comm.ns in like Manner as is already given by His Majesty's Regulations to the Captains of Provincial Troops in America". The Governor was also empowered by Pitt to commission such gentlemen of the Province, who from their "Weight and Credit" will be most effective in levying the greatest number of men, and Pitt added that the King will ask Parliament to reimburse the colonies for the extraordinary expenses that they will be put to this summer. Arms, ammunition, and tents were to be provided by the King (pp. 469-470). Abercrombie in his letter to Sharpe, dated New York, March 15, 1758, after referring to his appointment as commander-in-chief, said that while he did not care to apportion a definite number of troops for each colony to furnish, he had fixed at six thousand the troops to be raised by Pennsylvania, Maryland, and Virginia. He also directed Sharpe to lay a public and immediate embargo on all ships in the ports of the Province, to be effective until he was notified to lift it (pp. 470-471). The Lower House in a message to the Governor expressed its appreciation of the letters from Pitt and Abercrombie, to which Sharpe made an appropriate reply (pp. 551-552, 556).

The Lower House soon plunged into consideration of the Supply bill and other contentious measures. Sitting as a committee of the whole, it then proceeded to frame a £40,000 Supply bill to raise the money required for military purposes. The details of this bill with the new forms of taxation incorporated in it, which followed in a general way the bill under consideration at the late "convention of the Assembly", are discussed in another section (pp. xxviii-xxxii). It may be said here, however, that the new taxes proposed included a five per cent tax on incomes in excess of £100 annually, taxes on the land and quit rents of the Lord Proprietary, and double taxes on Roman Catholics. The bill also sought to place the appointment of the tax assessors in the hands of the Lower House, instead of in those of the Governor. These new methods of taxation, as well as the proposal of the Lower House to appoint an agent to represent it in Great Britain, were opposed in the Upper House, which also opposed a Lower House bill reducing not only the pay of the members of the Assembly but also that of other public officials. The Lower House showed the greatest irritation because of its inability to prevent the Governor, under the Act of 1715, from calling out the county militia whenever he thought this necessary. All of these disputes between the two houses are discussed hereafter in this introduction. They resulted in the exchange of numerous, lengthy, and bitter, messages between the Lower House on one hand, and the Governor or the Upper House on the other, which reveal the irreconciliable differences between the popular and the Proprietary points of view. The *ex parte* arguments adduced by each side to support its respective claims are invaluable sources of information to the students of Maryland constitutional history of this period. From the legal point of view the advantages in these discussions were with the Governor, who won the battles on nearly every issue, but by the refusal of the Proprietary to make concessions to his people in the end he lost his Province.

These bitter disputes between the two houses at this session prevented the passage of a Supply act, a conference committee of the two houses having failed to come to any agreement. Nor was any other legislation of importance passed. Sharpe on May 13, prorogued the Assembly to meet again on June 26, but after two postponements he decided to dissolve it and order the election of a new Assembly, which met in the following October (*Arch. Md. xxxi,* 91, 294-295).

As noted elsewhere (p. xlv) an act (No. 1) was passed appropriating £300 for presents to be given the fifty or more Cherokee Indians then on the frontier, and to pay for the services of a "conductor" and an interpreter who accompanied some of them to Annapolis, and for their support while there (pp. 690-691). The petition of William Cromwell, asking payment of £25 : 6 : 3 for having acted as the conductor of a party of Cherokees from Winchester, Virginia, to Fort Frederick, Maryland, was rejected by the Upper House on April 5, 1758 (p. 476). An act (No. 2) was passed to rectify certain technical defects in a law passed at the September–December, 1757, session, taxing the inhabitants of St. George's Parish, Baltimore County, the sum of £550 for completing the furnishings of the church (pp. 691-692). Acts were also passed (No. 3) to prevent the counterfeiting of the bills of credit or paper money of Virginia, Pennsylvania, New York, the Jerseys, and the three lower counties on the Delaware (pp. 692-693); and (No. 4) to protect the interests of orphans in landed estates held by guardians (pp. 693-695). Laws were passed (No. 5) to strengthen the provisions of a former Supply bill still in force imposing a duty on horses and liquor brought into the Province (pp. 695-697); and another (No. 6) to better enforce the liquor provisions of a former act regulating the importation into the Province from Pennsylvania and the Delaware counties of negroes, Irish Papists, and liquors (pp. 697-703).

The Assembly which had been elected in September 1757, had now held four futile sessions in less than a year in a vain attempt to pass a Supply or Service bill satisfactory to both houses. On August 21, 1758, the Governor, his patience exhausted, and in the desperate hope of securing a less obdurate Lower House, asked his Council for an opinion as to the advisability of dissolving this Assembly and calling a new one. The Council, by a vote of four to three recommended that he should so do, and writs of election for members of a new Lower House were issued (*Arch. Md. xxxi,* 294-295). That the Proprietary interest was to be sadly disappointed in its hope of a more pliant lower chamber, and that the new house which met on October 23, 1758, was to be largely composed of the same anti-Proprietary group, with the same truculent leaders who had controlled recent sessions, will be told in the next volume of these *Archives.*

THE SUPPLY BILLS

The story of the fate of the various " Supply bills for His Majesty's Service " that were considered during the four sessions of the Assembly which this volume covers, seems worth narrating in some detail. It was these Supply bills, whether they passed or failed, which took up most of the time of the Assembly and resulted, not only in increasing the hostility between the popular and Proprietary parties of the Province, but brought to the fore various constitutional and taxation questions that played a large part in developing the attitude of mind on the part of the people that led to the Revolution.

After a bitter struggle between the two houses, the April–May 1757 session saw the enactment of what was to be the last Supply bill for His Majesty's service that was to be passed during the Seven Years' War. As has already been fully narrated (pp. xiii-xiv), when the Assembly met on April 8, Governor Sharpe called its attention to the necessity of making immediate provision to defend the Province and to meet the Earl of Loudoun's call for a quota of at least five hundred men from Maryland (pp. 3-5). After declaring its wish to cooperate in every way in meeting all reasonable demands, the Lower House asked for detailed information as to the number of men now in service and their terms of enlistment (pp. 46, 49). From the exchange of messages between the Governor and the house it soon became evident that the use of Maryland militia for garrisoning Fort Cumberland on the Potomac at Will's Creek, was to be one of the chief subjects of contention between the two Houses. Located some seventy-five miles west of Fort Frederick by road, and therefore well within Maryland territory, Fort Cumberland was felt by the Lower House to be far beyond the actual frontier settlements, and therefore, because of its greater importance to the general plan of the British campaign, to be more the concern of the British commander-in-chief than of the Province of Maryland. The house declared that it should be manned by regular British troops and not by Maryland soldiers. With this view neither Sharpe nor Loudoun had the least patience, as they knew that, if garrisoned by Maryland soldiers, British regulars would be thus relieved for active military duty in other fields. Of course no defence can be made of this narrow, parochial view of the Lower House, nor of the restrictions which it sought to place in the Supply bill forbidding the employment of the Maryland troops beyond the settled frontier. There was also in the background the great difference of opinion between the two houses as to the sources of taxation from which the money necessary to maintain these five hundred Provincial troops was to be derived. We will see that two separate Supply bills were drawn up by the Lower House at the April–May 1757 session. The first was amended by the Upper House in such a way as to cause its rejection by the lower body. The second bill under a slightly different title than the first, a bill that was a makeshift and inadequate, was, however, finally passed as a compromise measure.

The first of these two Supply bills was entitled "An Act for His Majesty's Service and the more Immediate Defense and Security of this Province". It was drawn up by a committee of the Lower House consisting of Edward Tilghman, Philip Hammond, Matthew Tilghman, William Murdock, and Charles Carroll the Barrister, and was introduced on April 19 (pp. 61-62). After amendment in the Upper House, it was rejected by the lower chamber on April 27 (p. 77).

It has not been possible to learn in detail all the provisions of this bill as passed by the Lower House, as no copy of it, printed or in manuscript, can be found, although a resolution was adopted by the Lower House directing its printing together with the amendments to it proposed in the Upper House and the messages exchanged between the two houses relating to it (p. 82). From the recorded votes on the amendments and from the messages which passed relating to it, its general tenor as well as the differences of opinion between the two houses can be learned. Under it five hundred men as requested by Loudoun were to be raised and maintained, although the Lower House, while reluctantly acquiescing in this number, declared that it was unnecessarily large for the protection of the Province. The Upper House amended the bill so as to double this number. The Lower House bill evidently provided that a specified minimum number of men should always be left to defend Fort Frederick, while the Upper House amendment left the number to be retained in this fort to the judgement of the Governor. The money to be used under this bill seems to have been certain unexpended balances left over from previous Supply bills, and was not to be raised by new taxation.

The Lower House imposed so many restrictions on the methods of keeping the military accounts and the muster rolls, and so tied up payments for provisions and men on furloughs, as would have tied the hands of the Governor and seriously hampered the efficiency of the service. The Lower House bill further provided that irregularities in officers' accounts should be recoverable from them by civil suits and with pecuniary penalties, while the Upper House placed the remedy in courts martial which might either fine or imprison the offender. There were also differences of opinion as to the method of pensioning soldiers injured in service. Probably all these differences could have been adjusted, however, had not the Lower House insisted that the garrison at Fort Frederick should never be less than a minimum number fixed by the act, which would have prevented the use of the Provincial troops by the Governor where he thought they were most needed. The problem as to how best to obtain funds for the support of the soldiers to be raised did not enter into this bill as in later Supply bills, for it would appear that only certain unexpended balances left over from previous Supply bills were to be made use of, and that no money was to be raised by new taxes (pp. 119-120). The bill as amended in the upper chamber was rejected by the Lower House on April 27, and ordered printed by the latter with the amendments, messages and resolutions relating to it (pp. 77, 82).

On April 28, the day following the rejection by the Lower House of the first Service bill after it had been amended by the Upper House, the new bill with a slightly different title was introduced in the Lower House by the same committee which had prepared the first bill. One cannot help feeling that the introduction of an entirely new bill was a face-saving device on the part of the Lower House, as it appears to have abandoned most of the demands which caused it to reject the former bill as amended by the other house, although it was only to remain in force until December 25, 1757. The title of the second bill, which became a law on May 6, was "An Act for his Majesty's Service and for the more needed Defense and Protection of the Frontier Inhabitants of this Province". With all the intricate administrative terms of this law we need not concern ourselves here, as it will be found printed here in full (pp. 119-129). As an assertion of the authority of the Assembly to limit the use of the five hundred men as it saw fit, the act provided that except for an unspecified number of men to be left to garrison Fort Frederick, the remainder must be employed in ranging the nearby frontier for the protection of the inhabitants. This was little more than a face-saving assertion, however, as a subsequent clause left the entire matter in the hands of the Governor, by empowering him in the event of an emergency to march *any* part of the five hundred men wherever he thought necessary, provided the remainder were left at Fort Frederick for use as rangers.

At the September–December, 1757, session it was ordered by the Lower House on October 21, that a special committee bring in a new Supply bill for His Majesty's service. The same men who had drawn up the Supply bill which had become a law at the previous session, with the addition of Edward Dorsey, composed this committee (p. 244). On November 11 there was introduced the bill entitled "An Act for Granting a Supply of £20,000 for His Majesty's Service, and for the more immediate Defense of the Frontier Inhabitants of this Province—by an equal assessment on all Estates, Real and Personal, and Lucrative Offices and Employments"; and the Lower House sitting as a committee of the whole proceeded to debate and amend it (pp. 244, 270-274, 280-283). This bill opened up sources of taxation hitherto new to Maryland. It taxed all the lands owned by the Lord Proprietary hitherto free from taxation, imposed a double tax on lands and property owned by Roman Catholics, and taxed at five per cent or more the salaries of practically all the office-holding class, except the Governor, although it did tax certain income of the Governor other than his official salary. Such a measure naturally aroused the opposition of the Lord Proprietary, of his numerous appointees, and of the wealthy Catholic land-holding group. It also aroused the opposition of the Governor and of the Upper House, as some of its provisions were felt to threaten the prerogative of the Proprietary.

The Lower House proceeded to debate and vote upon certain of its provisions. On the question as to whether the assessors, who were to levy the taxes on real and personal property, should be appointed by the Governor or by the commissioners or agents named in the bill by the Lower House to administer it, was voted 33 to 20 to vest this power in the commissioners (pp. 270-271). This provision was absolutely opposed by the Upper House. The Lower House resolved by a vote of 38 to 13 that the oath to be taken by Papists should be that prescribed under the statute of I William and Mary, and not the milder oath provided under the Maryland law (pp. 271-273). By votes of 28 to 24, and 27 to 20, it was decided not to amend the provisions of the bill taxing lawyers on their incomes (pp. 273-274, 280-281). The bill was passed by the Lower House and sent to the Upper House where it was extensively amended and returned to the Lower House on December 1 (pp. 177, 290). No effort was made to revive it here, although the Lower House ordered that it be printed and distributed " for the perusal of the Inhabitants of each County " (p. 290). It will be found printed in full in the Appendix (pp. 707-750). On December 14, the Lower House directed its clerk to make a copy of the bill and send it to the Governor, and the same day sent an address to him requesting that he forward a copy of it to the Earl of Loudoun (pp. 354, 357). In an address to the Governor the Lower House declared that the garrisoning of Fort Cumberland by Provincial troops, as insisted upon by the Upper House, was in itself sufficient to justify its opposition to the bill as amended in the Upper House (pp. 357-360).

On the last day of the session, December 16, the Upper House addressed the Governor on the subject of the bill. It declared that had there not been other and even more serious objections in it, the failure of the bill to comply with the requests of the Earl of Loudoun in his letter of November 7, 1757, to the Governor, would in itself have been sufficient reason for rejection (pp. 277-278). It further declared that the bill was " prolix, intangled and impracticable—derogatory to the Powers of his Lordship's Commission " to the Governor, and invasive of the prerogative of the Crown. It also deplored the unwillingness of this and some of the other colonies to adopt any policy of defence which had " the least Tendency towards Union ", notwithstanding the common danger resulting from a failure to cooperate with the commander-in-chief appointed by the King (pp. 195-196).

At the abortive meeting of the " convention of the Assembly " held in February–March, 1758, a Supply bill was introduced in the Lower House on February 27, by Edward Dorsey on behalf of the committee, with the following title: "An Act for granting a Supply of £30,000: for his Majesty's Service and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and emitting £20,000: thereof in Bills of Credit, and raising a Fund for sinking and replacing the whole by an equal Assessment on all Estates real, and personal, and lucrative Offices, and Employments " (pp. 422, 445). This was doubtless substantially the same supply bill that had been passed by the Lower House at the previous sessions, but had been rejected by the Upper House. The Lower House next proceeded in committee of the whole to consider for amendment several provisions of the bill as introduced by its committee. By a vote of 27 to 13, it was decided to require the clerk of the Loan Office to give more adequate bond for his handling of the funds of that office (pp. 445-446). The house, by a 25 to 15 vote, struck out the provision that at least 200 of the 300 men to be raised under the Act be always kept at Fort Frederick as rangers (p. 446). It then voted, 31 to 8, against striking out of the bill a provision relating to the billeting of troops, doubtless one imposing restrictions upon the proposal of the commander-in-chief to quarter British troops on the inhabitants (pp. 446-447). On the question as to whether James Dick of Anne Arundel County should be appointed one of the agents to administer the act, the vote stood 31 to 10 for his appointment, although Hammond, Carroll, and Edward Tilghman of the committee voted against him (p. 447). The provision in the bill that taxes be imposed on "the annual value of estates" was approved and the rate fixed at one shilling six pence on the pound, equivalent to seven and a half per cent (p. 448). There seems to have been a question as to whether lawyers should be taxed "upon the annual Profits of their Professions" at the same high rate as public officers, or at five per cent the rate to be imposed on most incomes, for it was voted, 22 to 20, to tax them seven and a half per cent (p. 449). By a vote of 25 to 16, and later by one of 25 to 16, it was decided not to tax factors at as high a rate as lawyers and public officers, but at the lower rate of five per cent on "the clear Profits from their commissions" (p. 450). It was voted, 25 to 17, that household goods, except silver plate, and all agricultural implements and "Tools of Occupation" be exempted from a taxation (p. 449).

The method of selection of the assessors who were to levy the taxes in the various districts came up for discussion. It was decided by a vote of 23 to 19, that they were not to be appointed by the agents or commissioners named in the act to administer it, but were to be elected in October by the people of the several districts (pp. 452-453). On the question whether any persons, other than those dependent upon public charity, were to be exempted from taxation under the bill, the house divided, the Speaker casting the deciding vote against exemptions (p. 453). A double tax on Papists was approved by a vote of 30 to 12 (pp. 453-454). The supply bill as thus amended was passed by the Lower House on March 4 by a vote of 34 to 11, the members of the Proprietary party voting solidly against its passage (pp. 455-456). The bill was then sent to the Upper House where on March 7 it was rejected (pp. 422, 459-460).

Immediately thereafter some member of the Lower House asked permission to bring in another Supply bill to raise £30,000 by various taxes, including taxes on incomes and on certain Proprietary land holdings, but the Lower House by a vote of 29 to 5, refused to consider it (p. 461). This seems to have been similar to a bill introduced at the next session shortly before adjournment (p. 663). The Governor, evidently exasperated by the attitude of the Lower House, on the advice of his Council, on March 9 prorogued the Assembly, which met again on the twenty-eighth of the same month.

At the March–May 1758 session the strain between the two houses perhaps reached its maximum tension. No basis of compromise between them on a Supply bill could be agreed upon, and as at the two preceding sessions no

Supply bill was enacted into a law. The Upper House felt with truth that an attack was being made deliberately upon the prerogatives of both the Crown and the Lord Proprietary; and the Lower House with the bit in its teeth, through its control of the Provincial purse strings, adopted the policy of questioning nearly every constitutional right hitherto conceded to the Proprietary and to the Crown to which it could put forward even the most strained constitutional or legalistic claim. For this impasse the Lower House and the Proprietary must both share the blame. Frederick, Lord Baltimore, a non-resident wasteling landlord, was too short-sighted to see the ultimate result of his refusal to make concessions to his people in regard to the taxation of his Maryland estates. He assumed that this could be avoided under a legalistic interpretation of his privileges as derived from a medieval charter. The Lower House, on the other hand, sought to further the demands of the people for a greater degree of self-government by advancing constitutional sophistries and indulging in legal quibbles that had little or no standing before the law, in the hope that the Crown would become so disgusted with the impasse that it would either force the Proprietary to make concessions or annul his charter. Sharpe was in a most unfortunate position. He realized that Baltimore should make concessions, but as the Proprietary representative he was obliged to maintain the claims which Baltimore felt had the support of the law. Sharpe was being pressed by the Crown to secure the passage of the Supply bill. He was being denounced by the representatives of the people for upholding the Proprietary. But notwithstanding all these difficulties, he continued to be personally popular among all classes. This struggle between the Proprietary and the people was to have more far-reaching results than were realized at the time. The battle against Proprietary arrogance developed a spirit of independence among the people which did much to foster the revolutionary movement in the next two decades. The failure of Maryland and other colonies to help pay the costs of the war for their defence was soon to result in the passage of the Stamp Act by Parliament as the means of indirectly forcing them to do so. The Revolution was to follow in due course.

At the March–May 1758 session, the Supply bill, or bill for His Majesty's Service, was introduced in the Lower House by a committee composed of the same men, with the addition of Robert Lloyd, who had drawn up the Supply bill at the three previous sessions. Except that the amount to be raised was increased from £30,000 to £45,000, and that a much larger number of men were to be recruited under it, this was doubtless substantially the same bill which was being debated in the Lower House at the last session, when Sharpe suddenly, on March 7, prorogued the Assembly. The first draft " granted a Supply of £40,000 ", but during the debate this amount was increased to £45,000 (pp. 557, 575). The title of the bill as authorized on March 31, and introduced on April 6, was identical with the Supply bill which had failed of passage at the recent session, except in the increase of the amount to be raised, and in the bills of credit to be issued (pp. 557, 571). The bill as introduced was considered by the Lower House sitting as a committee of the whole and was amended in several respects, usually by a recorded vote. The number of men to be raised was fixed at 1200, of whom 200 were to remain as rangers on the frontier (p. 555). The pay of officers was fixed (p. 567). Officers were to receive a bounty of £10 for each recruit secured (p. 555). Incomes from land, businesses, professions, and public offices were to be taxed, and a tax was to be imposed annually on the value of one's personal property. Clergymen were taxed on their benefices at the same rate as were public officers. Lawyers seem to have been taxed at a higher rate than clergymen and physicians (pp. 568-569). Under the bill the tax assessors were to be nominated by the commissioners appointed by the Lower House to carry out the act, and not directly by the people of the several districts as had been proposed at the previous session (pp. 569-570). An attempt to change the character of the oaths to be taken by Papists, who were to be doubly taxed under the bill, and to subject them to a more stringent one was defeated (pp. 570-571). The vote taken on April 8 for the passage of the bill as amended was 33 for and 13 against, those voting against it representing the maximum strength of the Proprietary Party in the Lower House (pp. 571-572).

The taxation provisions of this Supply bill and those considered at the two preceding sessions, differed fundamentally from the methods hitherto made use of in Maryland to raise money. The costs of government had heretofore been in great part derived from poll taxes. although in recent Supply bills special taxes on bachelors, legal documents, servants, and liquors, and on such luxuries as imported wines, billiard tables, and carriages, had been imposed. In the proposed bill it was sought to introduce the principle of an income tax, taxes on the unearned increment of land, and on personal belongings, as well as taxes on the quit rents and certain landed estates of the Lord Proprietary. It is difficult to determine whether the Lower House passed such a bill in good faith, or would have passed it, had it not known that it would be rejected in the Upper House, for it would most certainly have imposed greatly increased taxes upon the class that composed the Lower House.

After its passage by the Lower House, the Supply bill was sent to the Upper House where on April 12 it was rejected and returned to the lower chamber (p. 478). Numerous messages about the bill then passed between the two houses. Immediately upon its rejection the Lower House protested against the return of the bill without a statement of the objections to it (p. 575). On April 18 the Upper House sent a carefully prepared message, covering eleven printed pages of this volume, reciting in detail its objections, some of which are well taken, and others merely reflect ill-advised Proprietary pretensions (pp. 480-491). Objection was first made to the preamble which assumed, the Upper House declared, that the power to give and grant rested solely in the Lower House. Objection was made to the tax upon the Proprietary's uncultivated land holdings, to that imposed upon incomes, and to the tax based on the annual value of the real and personal estates of the inhabitants. The upper chamber especially objected to the virtual appointment by the Lower House alone of the officers to assess the taxes, on the ground that the charter gave the appointment of both civil and military officers exclusively to the Proprietary, and referred to an opinion given in 1736 by Lord Chief Justice Welles, the then Attorney-General of the King, confirming to the Proprietary the sole right to appoint all officers. Strenuous objection was made by the Upper House to the injustice of the imposition of a double tax upon the real and personal estates of non-jurors, a measure of course directed solely against the Roman Catholics.

Other objections by the Upper House to the bill were to taxes imposed upon property belonging to, and debts due to, non-residents; to taxes on incomes or salaries of public officers even when less than £100 annually, while others were only taxed upon incomes in excess of this amount. It also protested against the provision of the bill requiring the publication of itemized schedules enumerating all plate and other personal belongings of the inhabitants as an encouragement to theft and robbery. Although Governor Sharpe had received the reluctant assent of the Proprietary to the imposition of a tax upon his manors and reserved lands, he strenuously objected to the proposed tax upon his quit rents and ungranted lands open to patent. It was also felt that the restrictions placed upon the Governor in the expenditure of money for military purposes completely tied his hands, and that the requirement of the bill that at least two hundred men be always left at Fort Frederick would seriously hamper his actions as commander-in-chief. There was an obnoxious clause in the bill which failed to exempt specifically the Governor from certain penalties under the act, which the Upper House declared might actually result, if enforced, in his imprisonment! General objections were also made on the ground that the act would not only strip the Proprietary of many of his established charter rights, but that certain of the new methods of taxation proposed were "a Mode inexperienced" in the Province, and the amount of revenue to be derived under them was problematical, an obvious reference to the income tax features of the bill. Numerous other minor objections were also made to the bill (pp. 480-491).

To all these objections of the Upper House, the Lower House under date of April 26, replied at even greater length (pp. 621-633). Space does not permit even a résumé of this rejoinder. The student of the period should consult the message itself. It is sufficient to say that nearly every argument of the Upper House was disputed, and no disposition was shown by the Lower House to compromise on the features of the bill which the upper chamber most opposed—the appointment of the agents by the Lower House, the double taxation of Catholics, the tax upon the Proprietary's quit rents, and the taxes upon incomes. One is left with the feeling that the Lower House did not really want a supply bill of any kind enacted, and would only have passed one reluctantly and with a wry face, as a means of gaining political advantages so much wished for.

Again on May 3, the Upper House came back with an even more lengthy message, one filling twenty printed pages of these proceedings (pp. 499-519), which is really an admirable presentation from the Proprietary standpoint of the main points at issue. The reasons for its objections to the imposition of a double tax on Catholics, discussed at some length, is fully dealt with elsewhere in this introduction and need not be repeated here (pp. xlii-xliii). The result of this message was a request from the Lower House to the Governor that he promptly put an end to the session. The latter on May 9, in reply expressed the greatest concern over the failure of the Assembly to provide funds for the support of the men now on the frontier, and declared that he would be under the necessity of calling out the county militia for the protection of the frontier unless a Supply bill was passed (pp. 679-680), a threat which raised the ire of the house. The reply of the Lower House to this message was merely an attempt to throw the onus of the situation on the Governor and the other house (pp. 681-683). The Upper House as a last resort then suggested a "general and free conference between the two houses" (pp. 539, 683), to which the Lower House replied that it would agree to a conference only upon certain sections of the bill (p. 684). Messages and counter-messages passed between the two houses on the scope of the proposed conference, and conferees were appointed on May 13 (pp. 541, 542-543, 685, 686-687). The conferees from the Lower House were both the Tilghmans, Lloyd, Murdock, and Carroll, and those from the Upper House were Benjamin Tasker, Jr., Robert Jenckins Henry, and Daniel Dulany. Tasker was made chairman (p. 542). The appointment of agents to assess the taxes were first considered. As the Lower House absolutely refused to agree to a suggested compromise that half the agents be appointed by the Lower House and half by the county courts, an impasse was reached and the conference came to a sudden end (pp. 542-543). The Upper House then addressed the Governor regretting the failure of the conference, and declaring that although it had in "the pressing Exigency of Affairs" agreed to waive its objection to income taxes and taxes upon all estates, real and personal, imposed in the extraordinary way proposed by the Lower House, the latter had merely used the occasion to attempt to extort concessions which would have vested in it unlimited power (pp. 543-545). The Governor then prorogued the Assembly to meet again June 26, although the meeting was not to take place until much later in the year after a new Lower House had been elected.

Before the conference between the two houses was held and the final break came, there had been introduced in the Lower House on May 5, 1758, another Supply bill, apparently backed by certain members of the Proprietary party, similar to the bill introduced in the last session just before adjournment (p. 461). Under this belated bill it was proposed to raise £45,000 either by new or by increased taxes on ferries, pilots, taxable persons, lands, lucrative offices, benefices, professions, and upon the Proprietary's manors, reserves, and leased lands. Six Proprietary votes were cast for it and 33 votes against it (p. 663). The details of the bill are unknown.

Just before the conclusion of the session the Lower House passed a series of resolves, asserting sundry constitutional rights comparable to those possessed by the House of Commons, justifying the imposition of a double tax on Papists, the right of prior consideration by the Lower House of all claims against the public, the right to tax the Proprietary's estates including quit rents, the propriety of imposing what amounted to an income tax on the salaries and other incomes from public offices and professions, the right to tax the income of the Governor, over and above his special salary as governor, derived by him from judicial and other lucrative offices held by him, although it declared that the holding of such offices by the Governor was in itself unconstitutional. In its final resolve the Lower House professed to regret that the Upper House had prevented the passage of an act granting the much needed "Supply for His Majesty's Service" (pp. 674-677).

POLITICAL PARTIES

The members of the Upper House, all of whom were also members of the Governor's Council and owed their appointment to the Proprietary, naturally voted as the Governor, who represented the Proprietary interest, directed. The Lower House was elected by the people, although the voters, limited to freeholders and men of some property, were in most of the counties of the popular or anti-Proprietary party. The strongholds of the Proprietary party were St. Mary's County on the Western Shore, and Somerset and Worcester counties on the lower Eastern Shore. In addition to these, there was a strong Proprietary influence in Calvert and Queen Anne's counties, and certain members from these counties often voted as the Governor wished. The election of a new Assembly in September 1757, had further strengthened the representatives of the county or popular party, and the same group of leaders in the Lower House continued to control its policies. Out of a total membership of fifty-eight in the Lower House, some forty men could be counted upon to vote against nearly all Proprietary measures, while a small group of not more than nine or ten consistently voted for the measures favored by the Governor and the Upper House. In addition to these two partisan groups, there were some ten men, who, either on account of their independent views or for political expediency, while usually voting with the popular party, not infrequently supported Proprietary measures. The leaders of the county party were Col. Edward Tilghman of Queen Anne's County, who served in that body with short interruptions from 1746 until 1771, and was speaker in 1770 and 1771, and his brother, Matthew Tilghman of Talbot. The latter was a justice of that county from 1741 until 1775, a member of the Lower House from 1751 until 1774, and its speaker in 1772 and 1773. He took a very active part in public affairs during the Revolutionary period as a member of the Continental Congress and as a state senator. Other influential popular leaders were Robert Lloyd of Queen Anne's County; Charles Carroll, the Barrister, of Annapolis, and later of "Mount Clare", Baltimore County, one of the delegates from Anne Arundel County, a Protestant and a distant relative of Charles Carroll of Carrollton; William Murdock of Prince George's County; Philip Hammond of Anne Arundel; and John Hammond Dorsey of Baltimore County, and Edward Dorsey of Frederick.

The leaders of the Proprietary party in the Lower House were Walter Dulany of Annapolis, son of Daniel Dulany the Elder, and a brother of Daniel Dulany the Younger, the recent leader of the Proprietary party in the Lower House, who in 1757 had been appointed a member of the Governor's Council and as such now sat in the Upper House. Other active members of this faction were George Plater, Henry Greenfield Sothoron, and Edmund Key of St. Mary's; Dr. George Steuart and Henry Woodward of Annapolis; Levin Gale, Samuel Wilson and Henry Waggaman of Somerset; and John Handy and Benton Harris of Worcester. Sometimes voting with this Proprietary group although more frequently with the popular party, were Benjamin Mackall of Calvert; John Goldsborough, Pollard Edmondson, and Edward Oldham of Talbot; John Bracco of Queen Anne's; Thomas Gantt and Francis King of Prince George's; Joseph Chapline and Thomas Beatty of Frederick; and Cockey Deye of Baltimore County.

DISPUTED ELECTIONS

A number of disputed election cases came before the Lower House of the newly elected Assembly which met September–December 1758. These seem to be of sufficient interest as illustrating the method of conducting elections in Maryland during this period, to be commented upon in some detail. Although there was a Committee on Elections and Privileges, consisting of John Goldsborough, Nicholas Hyland, Matthew Tilghman, Alexander Williamson, Charles Carroll the Barrister, and John Mackall, contested election cases appear to have been heard and determined at the bar of the house. Lists of "controverted" voters were ordered exchanged between the contestants and then submitted to the house. Elections in the city of Annapolis, Kent, St. Mary's, Frederick, and Baltimore counties were disputed or "controverted."

The city of Annapolis, a stronghold of the Proprietary Party, was entitled to two members in the Lower House, in addition to the four members from Anne Arundel County as from other counties. Walter Dulany and Dr. George Steuart were returned as elected. Dulany's seat was not questioned, but the seat of Steuart, a close friend of the Calvert family and the holder of many public offices, was contested, for reasons not disclosed, by Henry Woodward, whose leanings were also towards the Proprietary Party. The House ordered a hearing before its bar on October 1, and directed that the controverted votes be mutually exchanged between the two contestants, these to be confined to votes which had been objected to at the time of the poll. The House voted unanimously to seat Woodward. It refused by a vote of 27 to 15 to bring before it the entire corporation of the city of Annapolis to rectify the returns, but the sergeant-at-arms was ordered to summons before the bar John Bullen, late mayor of Annapolis, who was then directed to erase the name of Steuart on the returns and to insert the name of Woodward, who should have been returned as elected (pp. 202, 210-211). At the March–May session the costs of the contest due to the officers of the Lower House were charged against the corporation of Annapolis and George Steuart, who was unseated (p. 635). These costs had been previously fixed at £2:7:0 (p. 312).

The Kent County election came before the House as the result of a petition, presented to the Lower House on September 30, and signed by four prominent residents "complaining of an undue Election [of representatives] in Kent County." The House ordered a hearing at its bar on October 7, when the sheriff was ordered to attend with the original poll of the election. At the hearing the House voted 29 to 17 to allow the petitioners to present at the bar evidence of any irregularities. This was done and on the following day the House found that the sheriff of Kent, Hercules Couts, " was absent and intoxicated with Liquor the greatest Part of the Time, from the Opening to the Closing of the Polls ", and ordered by unanimous vote that the sheriff " be taken into Custody by the Sergeant-at-Arms . . . [and] be Reprimanded by the Speaker, at the Bar of this House ". Hercules thereupon confessed his offence and the speaker declared that although " you have been Guilty of a manifest Neglect of your Duty . . . and that you ought to receive very severe Treatment in order to deter other Sheriffs . . . in Consideration of your low Circumstances, and in Compassion to your numerous Family . . . this House is inclined to exercise Justice with the greatest Leniency, and in a Manner which will least affect your unhappy Relatives ". After he was reprimanded by the speaker he was ordered released upon payment of the fees due to the officers of the House which amounted to £24:8:0 (pp. 209, 220-221, 225-226, 313). It would appear that the election, which the law provided should be conducted by the sheriff, was therefore irregular, but the members returned from Kent were nevertheless allowed to retain their seats. The costs accrued in connection with the Kent petition which amounted to £24:8:0, were later charged against the petitioners, which indicates that Hercules did not have the wherewithal to pay the expenses of the contest (pp. 313, 636).

Certain freeholders of St. Mary's County petitioned the House on October 4, complaining of an " undue election " in that county. The members who had been returned from St. Mary's were George Plater, John Reeder, Jr., Henry Greenfield Sothoron, and Edmund Key. After an examination of the witnesses at its bar, the House unseated Key by a vote of 28 to 10, none of the St. Mary's County members voting. Most of those who voted against the unseating of Key were members of the Proprietary party. Plater by a vote of 23 to 18 was declared duly elected, and Reeder and Sothoron were declared elected without a recorded vote. The costs of the St. Mary's disputed election were fixed by the Lower House at £13:10:0 (p. 313), of which the unsuccessful contestant, Key, was to pay £4:15:4, the petitioning freeholders £3:3:4, and an unnamed individual the balance (p. 636). The House then ordered a new election in that county to fill the Key vacancy, at which Key was elected in due form (pp. 217, 232-234).

On October 13, Josias Beall, contesting the election of Col. Thomas Cresap, complained of an " undue election " in Frederick County, where Joseph Chapline, Edward Dorsey, Thomas Beatty, and Thomas Cresap had been returned as elected. The house ordered the sheriff of Frederick County to appear with the poll before its bar on October 27, the contest to be confined to the names of those whose votes had been " controverted " at the time of the election, although the extent of the enquiry was broadened the day following by a vote of 22 to 20. On October 27, the house decided to reopen the entire Frederick election, and October 29, postponed action until the tenth day of the next session (pp. 234-235, 236, 247, 248), although from the record before us nothing further seems to have been done either at that session or the next succeeding one.

Richard Chase, the son of the Rev. Thomas Chase, and other freeholders of Baltimore County presented a petition complaining of the recent election in that county, but after mature consideration the House dismissed the petition, assessing at £10: 16: 0 the fees and costs due to its officers, to be paid by the petitioners (pp. 218-219, 314, 636).

THE RIDOUT AFFAIR

"This unlucky Affair of Mr. Ridout's", as it is styled in these proceedings (p. 297), had its origin in the removal by John Ridout, Governor Sharpe's Secretary, acting under orders from the Governor, of certain original militia lists and accounts or memoranda, which had been deposited by him with the Lower House for examination. Ridout had left copies with the clerk, however, which was felt by the Governor to be all that was necessary. These accounts which had been submitted some time previously to the Governor as commander-in-chief by Col. Thomas Cresap in charge of the Provincial troops on the frontier, were found to be defective and incomplete, and had been returned by the Governor to Cresap for correction. The removal of the original accounts was resented by the Lower House, which blamed its clerk for allowing the papers to be removed (pp. 365-375).

The first gun in this dispute was fired on April 30 with a loud report in the form of an order from the Lower House to its sergeant-at-arms to take into custody the body of John Ridout and bring him before the bar of the House for refusing to obey an order of the House to appear a second time before it (p. 205). On the same day the Governor sent a message to the house saying that while "I was this Day at Dinner, your Serjeant came into my house and demanded to see my Secretary . . . he told me he had Orders from your House to take him into Custody". The Governor then added that as the Sergeant had just been appointed, and was doubtless unfamiliar with the duties of his office, he supposed his actions were unauthorized and therefore excusable, "but if he acted in this Manner by any Order of your House, I can't but expect that the reason for such an extraordinary Proceeding, without any previous Application [to me], will be communicated to me" (p. 209). This was followed on October 3 by an address, curt and offensive in tone, from the Lower House to the Governor, declaring that as Mr. John Ridout had "been Guilty of a Contempt of the Authority, and of a Breach of the Rights and Privileges of this House, at the Bar thereof, we did issue a Warrant to our Serjeant to take him into Custody". The message offensively added that "If the Serjeant, in the Execution of his Duty, behaved in a Manner inconsistent with the Decorum that ought to be observed in your Excellency's House while you are at Dinner . . . and that if he has been Guilty of the least Intrusion or Indelicacy, your Excellency will impute it to being just appointed to Office". (p. 215). The Governor on October 11, sent an indignant rejoinder to the Lower House. In this message he told the house that instead of applying itself to the two matters of paramount importance which required its attention, and for which it had been called together, the support of militia already raised for the defence of the Province, and making provision for winter quarters for the King's regular troops, the house had at the beginning of the session made " an Attempt upon the Rights and Principles incident to the Station I have the Honour to hold among you ", in entering his house and attempting to arrest his Secretary. He declared that the refusal of the house to recognize Ridout as his Secretary and " constitutionally under my Protection ", and its attempt to treat him as a non-privileged individual for an alleged contempt was an attack upon the constitutional rights of a coordinate branch of the government, and that so far from apologizing for its unwarranted actions in encroaching upon these rights " You only confine the Indelicacy offered to me to the Time of my being at Dinner ". The Governor declared that when the servant of one branch of the government offends the servant of another, redress must be sought from the branch of the government itself and not from the individual. Therefore instead of sending for the sheriff, as he might have done, to arrest the sergeant-at-arms he had made direct application to the house itself, and expected from it the " same Decency ". He concluded by advising the house to turn its attention to matters which imperatively demanded its immediate attention (pp. 227-231).

But the dispute did not end here. The Lower House took another tack and ordered a special committee consisting of Philip Hammond, William Murdock, and Edward Dorsey, all leaders of the county or anti-Proprietary party, to report to it whether there was a record in the Provincial Office of any commission appointing Mr. John Ridout Secretary to the Governor, and whether he had taken the oaths required to qualify on such commission, and also to examine the records to see whether there could be found a commission by a previous governor appointing any person to be his secretary (p. 231). Some seven weeks elapsed before the Lower House on December 11 sent a lengthy message drawn up by these three members and addressed to the Governor, covering some eight printed pages of this volume (pp. 291-297), which was followed by an even more lengthy rejoinder to the house by the Governor (pp. 361-375).

As to the origin of " this unlucky affair of Mr. Ridout's ", it need only be said that when Ridout was asked the first time to appear before the Lower House he did so informally and explained his part in the removal of the Cresap memoranda for correction, but when later he was further questioned upon matters of other import, he very properly declined to answer, and referred the members of the Lower House who had questioned him to the Governor for the information which they sought.

The last two exchanges of artillery between the Governor and the Lower House revealed the true animus of the house in making an issue of the " affair ". The Lower House, always opposed to any expenditure of Provincial money on the distant outskirts of the frontier, and especially upon Fort Cumberland, which it felt should be defended by British forces and money, examined with overcritical eye every item of expense incurred in maintaining Provincial soldiers as a garrison there. When the original accounts were removed by Ridout, under orders from the Governor for correction by

Col. Cresap, the house jumped at the opportunity not only to discredit the Governor by thus questioning his good faith, but also to attack the status of Ridout as an accredited secretary authorized by law. The attack upon the Governor was based upon an alleged failure on his part, as disclosed by these accounts, to observe all the rigid limitations upon military expenditures laid down by an act of the Assembly, and at the same time to dispute the Governor's right to create any new office whatever without the specific approval of the Assembly in each case. The house took the stand that a Secretary to the Governor was not authorized either by the Charter or by legislation, and that Ridout therefore had no constitutional rights or immunities which the house need respect. Apart from the fact that in this instance the Governor was able to show that he had both precedent and prerogative on his side, the inexcusably bad manners shown by the Lower House in the whole affair wins our sympathy for him.

The Governor in his closing message of December 15, 1757, on the Ridout affair traces in an interesting and dispassionate way and in great detail the origin and development from the founding of the Province of the prerogatives and functions of the Lower House, of the Upper House, and of the Governor, and shows that former governors had in their official families individuals recognized by the Assembly as holding positions similar to that now occupied by Ridout (pp. 361-375). Of especial interest is his account of the unsuccessful attempt of Governor Fendall just a hundred years before to abolish by violence the Upper House (p. 369).

One feels that in " this unlucky affair of Mr. Ridout's " Sharpe had much the better of the dispute. He later summarizes the episode in a personal letter, dated December 26, 1757, to Cecilius Calvert, Lord Baltimore's Secretary in London, in which he also refers to the growing practice of the Lower House of calling before it persons for real or pretended offenses, and its unaccountable pretension that " the Upper House is no part of our Constitution " (*Arch. Md. ix,* 119-120). The Ridout affair is also further discussed by Governor Sharpe in a letter dated January 1, 1758, addressed to his brother William Sharpe, in which he points out that the Lower House now undertakes to assume all the powers of the House of Commons (*Arch. Md. ix,* 124-125). We will see later that neither the Proprietary nor the legal advisors of the British government were willing to admit this latter claim.

FORT CUMBERLAND

Fort Cumberland, located about seventy-five miles westward by road from Fort Frederick, was a bone of contention between the Lower House and Governor Sharpe. The house maintained that it was too far from the settlements to be an efficient protection to the Maryland frontier inhabitants, and that it should therefore be garrisoned and maintained by British troops, because it was only useful as a point of advance by a large British force against the French on the Ohio. The short-sighted attempts of the Lower House in its various Supply bills to prohibit by legislation the use of Maryland's Provincial troops to garrison Fort Cumberland, very naturally aroused the anger of Governor Sharpe and of the Earl of Loudoun, who rightly felt that colonial troops should be used for the general defence wherever they were most needed. The bitter struggle between these two points of view runs through the records of the four sessions of the Assembly reproduced in this volume.

In a lengthy address to Governor Sharpe under date of December 15, 1757, the Lower House gave its version of the original establishment of Fort Cumberland on the Potomac at Wills Creek, declaring that it had been informed that it was originally built, not as a fort but by " some Gentlemen of the Ohio Company, as a Store-House for their Goods, designed for the Ohio Indian Trade, and never was Garrisoned by Troops stationed there by Direction of any Law of this Province, but commonly by Virginia Forces ". This address then went on to say that the Governor himself in 1756 had described Fort Cumberland as a mere stockaded enclosure, difficult to defend as it was commanded on all sides by nearby hills, and that the Fort then contained military stores left there in 1756 by Gen. Braddock, and 10 carriage guns, with a garrison of some three hundred Virginians (pp. 357-358). In a sharp reply the Governor bluntly informed the Lower House that its opinion that Fort Cumberland should be abandoned would in no wise influence Loudoun. He concluded by saying that as regards the assertion of the Lower House that " Fort Cumberland was first begun by some Gentlemen of the Ohio Company as a Store-House . . . whoever gave you that Information told you a Falsehood, not that it is Material who began it " (pp. 386-387). Unfortunately Sharpe did not state what was in his opinion the origin of Fort Cumberland.

COUNTY MILITIA

In his dealings with the Lower House in trying to force that body to pass a Supply bill which would be satisfactory to the Upper House, the best weapon which the Governor had, and this proved to be an ineffective one, was the threat to send the militia of the several counties to the defence of the western frontier, if the Assembly would not provide a general Provincial force to do so. During the winter 1757-1758, he had ordered out the militia of Queen Anne's and Kent counties and sent them to the frontier. This had produced a storm of opposition in the Lower House, and a violent protest to the effect that he had exceeded his authority in so doing. Under date of February 22, 1758, the Lower House by a vote of 32 to 5 adopted an address enquiring why he had ordered these companies of militia to march to the frontier, and requesting him to lay before the house all the orders which he had given from time to time to this end (pp. 439-440). He immediately replied that having reason to believe that the soldiers then on duty at the frontier would disband when it was found that the Assembly " had broke up " without making any provision for their further support, he had ordered the county militia to march to the frontier to prevent the settlers deserting their plantations. He added that he could not lay before the house all the orders which he had issued as many were then in the hands of the officers of the county militia to whom they were directed, but that he enclosed some orders and a " Press-Warrant " which he expected to use as soon as he found it necessary for him to call out the Calvert County militia (pp. 441-442).

At the March–May, 1758, session, the Lower House returned to the attack and on April 1, demanded to know by what law the Governor had ordered out the militia of Queen Anne's, Kent, and Calvert counties (pp. 558-560). The Governor replied on April 4 that he had sent a message to that house on September 25, 1756, when he had ordered out the militia of Prince George's and Baltimore counties to the frontier, and that at that time the Lower House had returned its thanks to him for having done so, and had made provision for their payment without questioning his right to so do (pp. 561-562). On April 15, the house addressed a long remonstrance to the Governor reiterating its request that it be informed by what law he had recently called out the militia of Queen Anne's and Kent, and sent them during the depths of winter to such a great distance, when no invasion of the Province was threatened (pp. 577-578, 579-588). On May 5, the Governor in an even more lengthy message, covering sixteen pages of this volume, recited in detail the necessity for having soldiers on the frontier to protect the inhabitants, and cited the acts of 1715, 1719, 1722, and 1733, under which he had authority to order out the militia when he felt it was necessary (pp. 645-661). On May 8, the Lower House, by a series of resolves voted 33 to 6, 31 to 8, 31 to 8, 31 to 7, 32 to 7, and 33 to 6 that in the absence of a foreign invasion the Governor had no authority to compel the county militia to march great distances from their homes, and that in so doing he had violated the liberty and freedom of the people. The house showed special resentment to the declaration of the Governor that if no Supply bill were passed at this session he would be again compelled to call out the county militia, either to act under the command of General Forbes on the western campaign or to be left on the frontier for its protection (pp. 666-672).

The Lord Proprietary, under date of September 30, 1758, in his " Instructions " to the Governor, directed him " to Suffer no Bill to pass calculated to weaken the Government of Maryland By my Royal Charter Established . . . [or] presumptiously Invading the King's undoubted Prerogative . . . [or to] Derogate to the Power Given you by my Commission and the Militia Law of the Province to compell every individual to march to any Part where you my Lieutenant Governor may Judge their Service Necessary, [as empowered] by the provincial Act of 1715, w.^{h} Act was revived continued & has Duration by Act of Assembly made by the Legislature of the Province in 1722 " (Appendix pp. 756-757). An interesting side light is thrown upon this controversy in regard to the calling out of the county militia to defend the frontier in a recently published memorandum, apparently written by Sharpe, in reply to a number of queries relating to Maryland affairs which appeared in the *London Chronicle* for September 16-19, 1758, written by Benjamin Franklin, apparently to discredit proprietary governments in general. After summarizing the dispute, the Governor added that the " remonstrances " of the Lower House had so little effect upon the people, that when soon afterwards at the request of General Forbes he called out the Frederick County militia to garrison Fort Frederick and Fort Cumberland, several hundred men readily marched and served under his command at these posts for several months (*Md. Hist. Mag., 1938,* xxxiii, 231-232, 238-239).

BILLETTING OF BRITISH TROOPS ON THE INHABITANTS

The quartering of troops on the inhabitants is always a grievance to the householders who are the victims. In Maryland, whenever possible, inns and ordinaries and not private houses, had been made use of when the militia was called out into service. That private houses, however, were occasionally used, is indicated by the petition of John Kirkpatrick, presented at the April–May, 1757, session, requesting that he be reimbursed for damage done to his house, apparently when the militia of Cecil County was called out for service on the frontier (pp. 6, 9, 58). But the quartering of local militia for a short time was a minor grievance in comparison with what now threatened in the billeting of British regulars over the winter.

It will be recalled that at the preceding session the Lower House had promised the Governor that at the session following it would prepare a bill making the necessary provisions for furnishing quarters for the British soldiers who it was expected would winter in the Province (pp. 67-68). Under date of September 30, the Lower House addressed the Governor asking him how many troops it was proposed to quarter in the Province and at what places (p. 205), and in reply Sharpe said that he could not inform them as to the exact number, but that Sir John St. Clair, deputy-quartermaster-general in America under Loudoun, thought that the latter would order two regiments to Maryland for winter quarters (p. 212). The Governor then submitted a tentative list showing how the twenty companies might be distributed among the thirteen towns he mentioned, and enquired whether the house felt they might be so allotted (p. 212). On October 5, the Lower House in an address to the Governor requested him to tell His Lordship it is apprehended that not more than one regiment could be accommodated as "there are few Towns that have more than One or Two Inns or Public Houses in them" showing its attitude toward billeting in private homes (p. 219). Provision for the troops seems to have been provided for in the Service bill which failed of passage because of disagreement between the two houses as to its terms. On November 19, the Lower House refused by a vote of 28 to 21 to consider a petition of the Corporation of Annapolis to make provision by special ordinance for the troops that were about to arrive there (pp. 279, 299-300). On November 24, both houses by ordinance, the Lower House by a vote of 18 to 13, agreed to allow £200 of the unexpended part of a grant of £3,000 previously made for recruiting men for the King's Royal American Regiment, to be used for this purpose (pp. 171, 285-286). Again on December 2, the Lower House, by a vote of 23 to 13, rejected a petition of the Corporation of Annapolis to provide further for the troops now billeted there (pp. 177, 299-300), and by the same vote refused to allow £2,000 remaining unspent from an appropriation for Indian scalps, to be used for providing winter quarters for British troops billeted in the Province (pp. 299-300).

The Upper House on December 8, passed a bill which had been drawn up there " for billeting and quartering His Majesty's Forces within this Province ", and sent it to the Lower House (p. 181), which returned the bill on December 14, without a second reading with a message reminding the Upper House that as a " money bill " it should take its " Rise in this House ", adding that it was sorry to observe in that bill the proviso that if there were not enough inns for soldiers in the towns to which they are sent for winter quarters, that they may be billeted in such private houses as might be deemed fit. This the Lower House declared " We apprehend is . . . contrary to the Petition of Right, and tends to a manifest infringement of the Liberties and Properties of the subject " (pp. 351-352).

On December 9, the Governor sent to the Lower House " Mr. Giles's Account for Transporting hither, from the Head of the Bay, the Five Companies of the Royal American Regiment, that are now Quartered in Annapolis ", and informed the house that the King expects every province to defray all the expenses of his troops when being transported from one part to another of that province (p. 330).

The dispute was brought to a close at this session with a message on December 16, from the Governor to the Lower House that he was sending to Lord Loudoun a copy of that portion of the rejected Supply bill dealing with the billeting of troops (p. 386). To this the Lower House replied urging that a copy of the entire bill be sent him (p. 387). A letter dated December 26, 1757, from Sharpe to Lord Baltimore's Secretary, Cecilius Calvert, shows that there were then quartered in Annapolis nearly five hundred men of the Royal American Regiment, for whose care the inhabitants, upon the refusal of the Assembly to comply with their petitions for assistance, had made provision at their own expense in the expectation that the Assembly would later reimburse them (*Arch. Md. ix,* 121). At the February–March, 1758, session, the Lower House ordered all persons who had claims against the Public for furnishing quarters and provisions to His Majesty's Regular Forces, to file them with the Commission on Accounts (p. 459).

ROMAN CATHOLICS

The Roman Catholic question was not allowed by the Lower House to sleep. At the April–May 1757 session, the Committee on Aggrievances and Courts of Justice on April 28 brought in a report to the house accompanied by several depositions, to the effect that certain Catholics were conducting schools in Baltimore County contrary to law (p. 79). A deposition made by a certain Archibald Standiford declared that one Don. Connolly, who kept a school near My Lady's Manor, had complained to Justice Boyce that Mr. Crabtree had refused to pay him for the schooling of his children because he was a Papist (p. 79). Thomas Chase, the rector of St. Paul's Parish, deposed that one Mary Anne March, a reputed Papist, had opened a school in Baltimore Town, and that the Protestant schoolmaster in that town had lost many of his scholars to her, and that he, Chase, had applied for relief to the three magistrates living in the town, but that " so far from putting a Stop to it, one of them sent his child to it" (p. 80). One may suspect that the Catholic school mistress kept a better school than her Protestant rival. Samuel Webb deposed that Patrick Cavannagh, a Roman Catholic servant, whose term of service with Webb had expired some two years before, had afterwards taught school in York County, Pennsylvania, and that during the past winter he had settled at the head of Deer Creek in Maryland where he now had a school with about twenty scholars (p. 80). On May 2, Charles Carroll, the Barrister, from the Committee on Grievances brought before the Lower House an address to be sent to the Governor, stating that Roman Catholics were conducting schools in Baltimore County, and it was believed in other counties, and requested him to apply at once "the Statutes of our Mother Country in Force in this Province" in order to put a stop to this evil "so productive of great Mischief to the good People of this Province" (pp. 83, 84, 86-87). It is worth noting that Dr. Charles Carroll, the father of Barrister Carrol, was a convert from Catholicism to the Church of England, and that there is a Catholic breviary in the Maryland Historical Society which belonged to the Barrister's sister, Mrs. Nicholas Maccubbin.

At the September–December, 1757, session the Catholic question came up in the Lower House in the debate on the Supply bill. When the double tax which it was proposed to levy on Papists was under discussion the house decided by a vote of 38 to 13 that the oath to be required of Catholics should be the more lenient oath of abjuration and the test as prescribed in the Maryland act "for the Better Security and Safety of his Lordship's Government and the Protestant Interest", and not the more stringent and offensive oath of supremacy required in England under the statute of I William and Mary (pp. 271-272). This oath contained a declaration that no foreign prince or potentate should be recognized as having any authority within the realm, and expressed abhorrence of "that damnable doctrine" that princes excommunicated by the Pope of Rome might be deposed or murdered by their subjects.

At the short February–March 1758 meeting or convention of the Assembly the Catholic question had no opportunity to come up, but it did reappear at the March–May session which immediately followed, in the discussion of the Supply bill. This bill, prepared in the Lower House, added various new taxes and in the case of Papists provided that all taxes were to be doubled. The Upper House and the Governor, who had reluctantly acquiesced in a double tax in the Supply Bill of 1756, now strenuously objected to this provision in the new bill, not only as a matter of principle, but because the greatly increased taxes which everyone would be required to pay under the proposed act would, if doubled, prove an overwhelming injustice to Catholics. The Lower House while showing a disposition to yield on the question of the double tax, seems to have insisted upon the retention of the more stringent English oath, on the grounds of public policy and the protection of the Protestant interest (pp. 570-571). The Upper House in several messages which it exchanged with the Lower House, took exception to this vindictive attitude towards the Catholics. It pointed out that they had been induced to settle in the province and had been offered an asylum here, that the Act of 1640 had granted unlimited tolerance to all Christians, and that the proposed extreme measures would have the effect of banishing the posterity of the early Catholic settlers (p. 485). The Lower House in reply asked by what authority the statement was made that the Papists had been promised asylum here (p. 626). The answer of the Upper House to this question is a lengthy one, covering more than six printed pages of this volume, and is an admirable presentation of the whole subject (pp. 507-512). It reviews the history of the settlement and the early acts of the Assembly assuring religious tolerance to all Christians, and gives citations from the writings of such authors as Bowen, Ogilby, Morden, Doctor Douglass, and Salmon on the subject of Catholicism and religious freedom in Maryland (pp. 510-511). It denies that the Catholics of Maryland had in any way aided the French in the present war, and asks whether the Lower House believes that if the measures proposed do not banish them from the Province, a double tax will better affect them to it. The Upper House then suggests a form of oath pledging allegiance to George II, but with the galling provision of the English Act of I William and Mary omitted, and declares that the proposed oath will meet all the requirements of the situation in Maryland (p. 512).

Towards the end of the session the Lower House adopted a number of resolves. One of these called attention to the large possessions of lands and negroes owned by societies of Popish priests and Jesuits living in a collegiate manner, and to the necessity of a double tax upon them because their principles were incompatible with all Protestant establishments, and insisted that their disaffection should be distinguished by some public discouragement (p. 675). The Supply bill failed of passage and nothing was done at this session to further harass the Catholics.

INDIAN AFFAIRS

At this critical time when the French and their Indian allies were devastating the frontiers of the colonies, every effort was made by Great Britain and the colonies to win the support of the southern Indian tribes. Governor Sharpe on May 5, 1757, sent a message to the Lower House announcing that the Cherokees had declared in favor of the British, and that sixty-two men of this tribe had arrived at Fort Frederick and offered their assistance against the French. He asked that presents be voted for them and that food and necessaries be given them. The message was accompanied by two letters from their "head warrior", one addressed to the Governor of Maryland, as "my brother", telling him of the depredations of the French Shawnees on the frontier, and offering the assistance of himself and his warriors; and the other a letter addressed to a band of Catawbas, then at Fort Frederick, who were also friendly to the English, asking them not to return to their homes until they had avenged the murders of their white brothers (pp. 92-94).

The Assembly promptly passed an ordinance appropriating £100 for the purchase of presents for the Cherokees then at Fort Frederick (pp. 98-99). A message was then sent by the Lower House to the Governor on May 7, asking him to issue a proclamation to the Cherokees and the Catawbas, to be also published in the gazettes of the neighboring provinces, that the Maryland government would give rewards of £50 for each enemy Indian scalp. This was felt by the house to be important as the Catawbas in ignorance of this large reward had recently carried scalps to Virginia where only a £10 bounty was paid. The message as first presented to the Assembly by its committee contained a paragraph reflecting upon the Governor for his alleged delay in presenting the letter of the Cherokee chief to the Assembly, but this offensive reference was deleted in the Lower House by a vote of 20 to 10 (pp. 106-107). The Governor then sent a message to the Lower House asking what was to be done thereafter towards supplying provisions to friendly Indians who might come into the Province. The house in a petulent reply side-stepping the question declared that as it was about to adjourn, it regretted that such a trivial question should be addressed to it at this time (pp. 112-113).

. The Governor at the September–December, 1757, session transmitted to the Lower House seven letters from Captain Joseph Chapline who had been with the Maryland troops on the frontier. These letters, written between April 23 and July 30, 1757, deal in great part with Indian affairs and are of considerable interest to students of frontier warfare (pp. 335-341).

At the February, 1756, session, the Assembly had appropriated £4,000 to be applied in great part to rewards for Indian scalps at the rate of £10 each; and at the September 1756 session, this bounty had been raised to £50. The accounts of the agents under the Supply acts when audited as of November 11, 1757, showed that only two scalps at £10 and four scalps at £50 each, had been claimed and paid for, and with the commissions allowed the agents, involved an expenditure of only £329: 10: 0. At the September-December, 1757, session the £20,000 Service or Supply bill which was rejected by the Upper House, had set aside £2,000 for cultivating the friendship of the southern Indians. The Lower House in a message to the Governor, December 5, 1757, expressed its concern that a measure so conducive to the safety of the province could have been rejected by the Upper House (p. 305). To this message the Governor replied that the Honorable Mr. Aitken, whom the King had recently appointed sole agent and superintendent of Indian Affairs in the Southern District of America, had written to him that it was contrary to the treaties with the Cherokees for them to demand or expect scalp rewards, and the Governor submitted Aitken's letter to this effect. Aitken, while not opposing the payment of scalp bounties to whites, said that with the Indians these rewards had given rise to numerous abuses such as the scalping for bounties of friendly Indians and even of women and children, and then cited several instances of the murder of friendly Chicasaws, Creeks, and Tuscaroras by Cherokees, who had the cunning to make four scalps out of one and to claim as many bounties. He adds that the Earl of Loudoun, Sir William Johnson of New York, and General Montcalm all detested the practice of giving rewards to Indians for scalps (pp. 309-312).

The animus of the Lower House may be well gauged by its refusal on December 8, by vote of 24 to 17, to change the scalp bounty (p. 321). Had the calls upon the treasury been greater its attitude might have differed. A few days later this house addressed the Governor and attempted to explain why it would not follow Aitken's request, and in this reply took its usual dig at the good faith of the Governor. Had it known earlier, said the House, of Mr. Aitken's appointment as Indian Agent, it might have passed a different bill. It added that if the Cherokees now on the border came with the knowledge of Mr. Aitken's attitude, they should apply for some other reward, but if they came to Maryland without that gentleman's permission they will certainly expect the rewards promised them for scalps and prisoners. Nor would the house consent to a bounty act until the Governor's statement was verified that Virginia no longer offered scalp bounties, and until it had an opportunity to examine Mr. Aitken's commission from the King and the Virginia regulations in regard to bounties. This insulting address to the Governor was adopted by the Lower House by a vote of 28 to 8 (pp. 345-346).

Early in the March–May, 1758, session an act was passed on March 31 appropriating £300 for additional presents to the Cherokee Indians on the frontier and for a small party of them then in Annapolis. Payments were also to be made of £36:9:9 to John Cromwell for conducting the party from Fort Frederick to Annapolis, £20 to Richard Smith as an interpreter, and £40 to Catherine Jennings for their maintenance in Annapolis (pp. 476, 690-691). Other expenses were incurred in conducting the Indians back to Fort Frederick (pp. 565-566).

DUTY ON CONVICTS

The question of the legal validity of the collection by the Province of an import duty on convicts shipped from Britain to Maryland and sold here as servants, became a heated political question at these sessions. The dumping of convicts into Maryland by the home government had always been resented by the more far-seeing people of the Province. Sent over as purely commercial ventures by ship owners, and upon arrival sold by the captains to the highest bidders as servants bound out for seven years or upwards, these unfortunates with few exceptions proved to be poor servants, and if they survived their terms of servitude turned out to be equally poor citizens. In an attempt to restrict this trade and at the same time to derive any revenue possible from it, the Assembly at the July, 1754, session, had in the Supply act imposed the heavy duty of 20 shillings on each servant having seven years or longer to serve, with a view to thus bringing convicts under the taxable servant class (*Arch. Md., l,* 550). This act, which had expired by limitation, had been only partially enforced, because certain ship owners, notably John Stewart of London, had refused to pay the 20 shilling duty on the ground that these were convicts and not servants, and that the rights of the Crown to do what it saw fit with its convicts were thus infringed. In this view the Governor and the Upper House were reluctantly inclined to concur until the home government should definitely rule on the question.

The Lower House now sought to force the Governor's hand. On May 4, 1757, it addressed the Governor, severely censuring him for his failure to bring suit against the Naval Officers of Annapolis and of the Potomac and their sureties for not having refused to allow convict servants to be landed until the import duty had been actually paid. It developed that in instances where the collection of any import duty was disputed it had been the custom for many years to permit a ship captain to enter the dutiable object upon giving well secured bonds for its payment. The Naval Officers, in instances where the captain had refused to pay duties on convict-servants on the ground that the impost was contrary to the laws of England, had allowed them to be landed upon the posting of sufficient bond by the captain. The Lower House, May 4, 1757, declared that there was no authority in law for such a procedure, and demanded that the Naval Officers be at once sued on their bonds for all such illegal entries. The house further sought to justify its position by calling these unfortunate individuals *servants* rather than *convicts,* hoping thus to evade the issue of the Crown's prerogative (pp. 89-90). The Governor replied on May 5, 1758, that he was advised that the Naval Officers were not justified in refusing entrance to convicts after the ship captains had furnished bond, and that Lord Mansfield, the King's late Attorney-General, had given an opinion not long since that no duty could be legally laid on them (p. 110). This action on the part of the Lower House was of course a move to discredit the Governor, who was making an earnest effort to get a legal opinion from the Attorney-General of the Crown.

Soon after the April–May Assembly adjourned, Governor Sharpe wrote, on May 27, 1757, to his brother, Joshua Sharpe, saying that at the next meeting he expected to be again asked why he had not entered suit against the bonds of the Naval Officers who had permitted the landing of convicts before actual payment of the duties. He sent a statement of the case to his brother and asked him to consult the King's Attorney-General and get from him an opinion as to the legality of the impost called for under the Maryland law. He added in this letter that all those who were engaged in shipping felons had willingly paid the duties except Mr. Stewart of London, who, the Governor thinks, should have made the disputed payment "without murmuring", as he transports a much greater number than any other ship owner, and also because his profits are so exorbitant (*Arch. Md., ix,* 4-5). The Governor was a good prophet as the matter did come up at the next session.

Before Sharpe's statement of the case could possibly have reached his brother Joshua in England, and have been referred for an opinion to Sir Robert Henley, the King's Attorney-General, Lord Baltimore himself, through his secretary, Cecilius Calvert, had asked Henley for a legal opinion, and on June 27, 1757, the Attorney-General rendered one based on a statement of the case as it had been presented to him. This opinion seems to have been asked, not because the question had been raised in the Lower House, but because John Stewart, the London merchant, who was the principal contractor shipping convicts to Maryland, had made a demand upon the Lord Proprietary for a refund of the duties that had been collected from him before Stewart refused to make further cash payments of duties. The Attorney-General declined to give a definite opinion as to whether the impost tax was repugnant to the laws of England without a further examination of the matter, but did advise the Proprietary not to question the validity of the law of 1754 as the home government had not as yet remonstrated against it, nor did he see any reason why his Lordship should refund any of the duties paid by Stewart. The memorial by Stewart on the other hand presents his side of the dispute in detail, and cites an opinion given May 6, 1755, to him by William Murray, then the Attorney-General of the Crown, and who was later to become Lord Mansfield, to the effect that the impost was in direct opposition to the authority of Parliament (Appendix pp. 763-771).

Under date of December 10, 1757, the Lower House sent an address to the Governor again protesting that notwithstanding repeated representations made to him he had failed to enter suit against the bonds of the Naval Officers who had allowed the landing of servants with seven years or more to serve, without collecting the duty (pp. 341-342). The Governor now replied in a heated address justifying his position, in which he insisted upon an answer to certain questions. Did or did not the Lower House make a distinction between bona fide indentured servants who had voluntarily agreed to serve seven years or upwards in return for their transportation, and convicts sent to the Province by order of the home government and sold on their arrival into servitude for seven years or more? Could the Lower House justify its assertion that the filing of an impost bond by the captain was "an Indulgence unknown to the Law", when it knew that the use of these impost bonds had been the custom in the Province since 1715 or even earlier? Could the Lower House possibly insist on an interpretation of the wording of the Act of 1754 requiring that duty be paid on "servants to serve seven years or upwards at the time of entry", which would make the phrase "*at the time of entry*" apply to the time for the payment of duties, and not to the age of the servant "at the time of entry" as this same phrase in all similar previous acts had always been construed? Did the Lower House believe that the duty could be collected upon *convicts,* without violating the laws of Great Britain, by calling them *servants* (pp. 376-386). To this message of the Governor, the Lower House under date of April 19, made a very lengthy reply, in which no new points were made, in an attempt to justify its position (pp. 595-607).

THE BILL FOR REDUCING THE ALLOWANCES OF MEMBERS OF THE ASSEMBLY AND PROVINCIAL OFFICERS

A long standing grievance of the people was that so many public offices with their salaries and fees, were in the hands of a small clique appointed by the Proprietary. The Upper House was composed of the same men who sat on the Governor's Council, some of whom also held several lucrative administrative and judicial offices. The Lower House brought this grievance to an issue by opposing the payment from the public funds of additional "allowances" to the members of the Council when they sat as an Upper House, and also opposed the payment of an additional salary to the clerk of the Council when he acted as the clerk of the Upper House.

Doubtless to forestall aggressive action by the Lower House at the September-December 1757 session, a bill was passed by the Upper House with the title

"An Act for reducing the Allowances of the Upper and Lower Houses of the Assembly ", and sent to the Lower House. There it was loaded with amendments enlarging its scope, and was returned to the Upper House where it was promptly rejected (pp. 171, 195, 196). The provisions of this bill applied to the members of both houses, although it is probable that neither really wanted it passed, and that it was so framed as to insure its rejection by the other body. The Upper House rarely felt itself called upon to resort to propaganda, but in this case in the hope of putting the Lower House in the wrong before the people, it resorted to the very unusual step of ordering printed its original bill with the amendments which had been added to it in the lower chamber. If actually printed, however, no copy is known to have been preserved, and one can only speculate from the Assembly proceedings and messages as to certain of its provisions.

The amendments added in the Lower House extended the provisions of the original bill so that not only was the pay of members of the Assembly reduced, but a reduction in pay was extended to justices of the Provincial and county courts. The bill also provided that no one who had held any public office of profit under the Proprietary government, might within six years be eligible to sit in the Lower House, and contained a provision that members of the Upper House living near Annapolis should receive only half the usual allowance of 75 pounds of tobacco a day. That it did not make a reduction in pay of the members of the Lower House similarly situated seems to have been an unfortunate political blunder (pp. 323-326, 387-388).

At the February–March 1758 session, bills of the same general character were introduced independently in both houses. The Lower House bill, which reduced the pay of members of both houses and of justices, extended the reduction to clerks and all other officers of both houses. The preparation of a bill in the Upper House gave rise to a heated dispute, not only as to the provisions of the bill itself, but on the ground of parliamentary privilege, the Lower House now claiming the exclusive right to inaugurate all legislation " imposing or altering taxes ". The Upper House bill, which limited its operations to members of the Assembly, was promptly passed in that house and sent to the Lower House, which entirely ignored its existence, passed its own bill, and sent that to the upper chamber. This the Upper House as promptly rejected and returned with a message that this action was so " inconsistent with all Rules of Proceeding ", that it had thrown out the Lower House bill merely upon a view of its title. Nothing further was to be heard of the subject at this session (pp. 491, 519-520, 557, 572, 576-577, 588-589, 607, 638, 678-679).

EMBARGO

Strenuous efforts were made by the British authorities by sundry restrictions to prevent provisions and warlike stores shipped from the American colonies from reaching the French, especially through neutral ports in the West Indies. The Maryland Assembly at the June–July, 1755, session had passed an act to this end which had expired by limitation January 1, 1756 (*Arch. Md., l,* 204-207). At the September–October 1756 session Sharpe, acting under orders from

Henry Fox, Secretary of State, urged the Assembly to renew the embargo, and the act of June 1755 which had expired, was reenacted to be in force for the limited period from March 1 to May 10, 1757 (*Arch. Md., l,* 590-591, 663). Under date of February 23, 1757, Sharpe acknowledged receipt of a letter from the Lords of Trade and Plantations, dated October 9, 1756, directing him to restrict the export of provisions to British possessions to ships which had given ample bond. Sharpe wrote that exports by this act of the Assembly were now limited to British ports, and to the two neutral Portugese ports of Lisbon and Madeira, but that he now would extend the prohibition to both these latter ports as well (*Arch. Md., vi,* 529-530).

The Lower House seems to have been very loath to reenact embargo legislation which so greatly curtailed the trade of the Province, especially the export of grain. As land had become worn out by long continued tobacco culture, grain had been found to be a profitable substitute crop, and much of it found its way to the West Indies and to Portugal and its possessions. At the April-May, 1757, session, however, upon the urgent request of the Governor and of the Lords of Trade and Plantations, an embargo act more stringent than the former act limiting exports to British ports alone, was passed by the Assembly on May 7, just before the close of the session. This act was limited in its operation to a period of less than two months (pp. 41, 111, 143-145). On the same day, however, an offensive resolution was introduced in the Lower House, but failed of passage by the close vote of 15 to 16, unjustly reflecting upon the good faith of the Governor in not communicating earlier certain information about the embargo supposed to have been in his possession. This resolution also asked the Governor by what powers the embargo was laid upon some vessels in the Province and not upon others, and by what indulgence a certain sloop had recently been allowed to sail from Baltimore Town (p. 109). This query was the result of a petition, May 7, 1757, of a certain Joseph Ensor, a Baltimore merchant, who had complained to the Lower House that his schooner Anson, ready to sail to the Barbados with provisions, had been held up for nearly two months, while another vessel similarly loaded had been permitted to depart (pp. 107-108). Sharpe wrote to Loudoun on June 4, 1757, that as the embargo had not been considered applicable to vessels loaded after May 8 in Virginia and in some other colonies, he had released Maryland vessels sailing after May 6 under transport (*Arch. Md., ix,* 18-19). When the Assembly next met in September, 1757, an act of Parliament had recently been passed prohibiting the export of grain from all the American colonies except under severe restrictions, so that further extensions of the Maryland Embargo Act became unnecessary. It will be noted that complaint was made later that in certain cases where cargoes of produce under bond were shipped from Maryland to British ports and captured by enemy ships en route, that the bondsmen had been unjustly sued by Stephen Bordley, the naval officer at Annapolis and Attorney-General of Maryland (*Arch. Md., ix,* 128-129).

Under date of December 14, 1757, the Lower House and the Upper House joined in a petition to the King and to the Lords of Trade and Plantations requesting that the severity of the acts of Parliament be relaxed. An address was also sent to Frederick, the Lord Proprietary, requesting him to lay these petitions before the King and the Lords of Trade and Plantations (pp. 182, 184-185, 186-190, 322-323, 350, 360-361). Under date of November 27, 1758, Frederick, the Lord Proprietary, wrote to Sharpe asking him to transmit to the Assembly his reply to their address requesting him to present their joint petition to the King, and also to place before the Assembly the report of the committee of the Privy Council refusing to advise the Crown to lift the blockade (pp. 754-755).

In a letter from Gen. James Abercrombie to Governor Sharpe, dated New York, March 15, 1758, notifying the Governor of his appointment by the King to succeed Loudoun as commander-in-chief of the forces in America, Sharpe was told that it was now necessary to lay an immediate embargo upon all ships in the several provinces in North America, and he is ordered to make proclamation of it in Maryland (pp. 470-471).

PROVINCIAL AGENT IN GREAT BRITAIN

The appointment of a Provincial Agent in Great Britain to represent the people, or rather the Lower House, came up at the March–May 1758 session. Early in the century on several occasions Maryland had been represented in London by a Provincial Agent who had presented the side of the Lower House on disputed questions to the Crown or to the Lord Proprietary, as the case might be. For more than a decade, however, Maryland had had no agent in London, partly because the services of the agent in the past had entailed considerable expense and had proved of comparatively little value, and partly because of the opposition of the Proprietary to the presence of such an official in England, who he feared, would "misrepresent" him before the home government.

The Lower House voted on April 18, 1758, by a vote of 25 to 14, to raise a sufficient sum to pay such an agent (p. 593), and on May 6, it voted 33 to 5 to raise the sum required for the purpose by a tax of two pence on every hundred pounds of tobacco exported from the province, but at the same time voted 30 to 7 against the imposition of an export duty on iron for this purpose (pp. 663-664). The bill imposing an export tax on tobacco to pay an agent promptly passed the Lower House and was as promptly rejected in the Upper House (p. 665).

In a recent number of the *Maryland Historical Magazine* will be found a contemporary (1758) opinion from the Proprietary standpoint, possibly written by Sharpe himself, in regard to the proposed appointment of an agent to represent the Lower House in England (*1938,* vol. xxxiii, pp. 233, 243). Much will be heard later on this question of the Lower House being represented by an agent in London. In 1766 this house, without an appropriation and over the opposition of the Proprietary, did establish such an agency, paying the costs by popular subscriptions and a lottery. The subject of a Provincial Agent in Great Britain is comprehensively treated by Newton D. Mereness in his *Maryland as a Proprietary Province, 1901,* (pp. 464-474).

THE ACADIANS

A petition from the Acadians, or French neutrals from Nova Scotia, now scattered over the Province, praying relief, was presented to the Upper House at the April–May 1757 session. Unfortunately no copy of this petition, which doubtless recited their sufferings, has been preserved. The Assembly thereupon passed an Act continuing in force until April 10, 1758, the law of 1756, regulating their conduct and providing meagre relief for their maintenance (pp. 10, 63, 65, 131-132). The Governor, on April 29, called the attention of the Lower House to the account presented by Mr. Middleton for expenses incurred by him in having brought a number of Acadians from Annapolis to Baltimore, which account had been laid before the house in November 1756, but had not been acted upon (p. 81). At the abortive "Convention of the Assembly" held in February–March, 1758, a committee of the Lower House gave notice that the act making provision for the Acadians would expire by limitation on May 10, 1758 (p. 459), but no act providing for its continuance was passed. Frederick, Lord Baltimore, had written Governor Sharpe under date of December 16, 1756, in regard to the Acadians, but that part of his "letter of instructions" relating to these unfortunate people is missing, although Sharpe's reply, which tells us little, is extant (*Arch. Md. vi,* 513, 517; *ix,* 34).

JONAS GREEN, THE PROVINCIAL PRINTER

The Provincial printing had been in the hands of Jonas Green since he had moved his press to Annapolis in 1745, and acts were passed by the Assembly from time to time "for the encouragement of Jonas Green" and for payments to him (pp. 401-402). His ordinary government work was the printing of the session laws and of the Votes and Proceedings of the Lower House. The Proceedings of the Upper House were not ordinarily printed. From time to time when legislation of a popular nature had its origin in the Lower House, and was defeated or greatly amended in the Upper House, the former body would order the rejected bill to be printed for distribution as propaganda for the popular party. Two instances of this kind are recorded in this volume. The first Service or Supply bill, which was introduced at the April–May, 1757, session and rejected by the Lower House after it had been amended in the upper chamber, was ordered printed on April 28 (p. 82). No copy of this bill, printed or unprinted, has been located. At the September–December, 1757, session, after the Service bill had been rejected by the Upper House, it was, on November 30, ordered printed (p. 290). It is reprinted in the Appendix from a copy of the contemporary pamphlet in the Maryland Historical Society (pp. 707-750). There is one instance recorded in this volume in which the Upper House ordered the printing of a bill originating in the upper chamber which had been amended out of recognition by the Lower House. This was the act for "Reducing the Allowances of Members of the Assembly", introduced at the September–December, 1757, session and discussed elsewhere (pp. xlvii-xlviii, 196). No printed copy of this bill is known to be in existence.

As early as November 1753 the Rev. Thomas Bacon of St. Peter's Parish, Talbot County, had petitioned the justices of that county for permission to make use of certain copies of the Maryland laws in their possession with a view to the compilation of " a complete abbridgement of all the Laws in force in this Province ", although the publication of his sumptuous *Laws of Maryland at Large* did not actually issue from the Green press until 1765. This volume of the *Archives* discloses an attempt on the part of others to filch from Bacon his cherished plan to publish the laws of the Province, for on February 16, 1758, there was presented to the Upper House " the Petition of Thomas Clark and George Scott, setting forth that having spent some Time in collecting the public Laws of this Province, which they propose to print in one Volume with marginal Notes thereto, they pray that some Encouragement may be given them by the Legislature towards the Publication of the same; referred to the Consideration of the Lower House, and sent by Daniel Dulany Esq." to the Lower House. The petition does not disclose by whom the laws were to be printed. In the Lower House it was read and ordered to lie on the table (pp. 414, 435). That Bacon was stirred into prompt action by this projected trespass upon his preserves is indicated by the following entry, under date of April 3, 1758, in the Proceedings of the Lower House at its next session: " William Goldsborough, Esq; from the Upper House, delivers to Mr. Speaker, a Petition of Thomas Bacon, Clerk, Rector of St. Peter's Parish in Talbot County; Indorsed, " By the Upper House of Assembly, 3d April, 1758, Read and Referred to the Consideration of the Lower House of Assembly; which Petition was Read here, and Ordered to lie on the Table " (p. 560). Although the endorsements show that it had been read in the Upper House on the same day that it reached the Lower body, the Proceedings of the Upper House do not reveal its nature or in fact make any mention of it. One suspects that Bacon had good friends in both houses and had made a plea, and a successful one, in behalf of a work which was then nearing completion. In the *Maryland Gazette* for June 22, 1758, he advertised his proposals for its publication, announcing that he had unsuccessfully petitioned the Assembly at its last session for encouragement " to publish a Body of Laws ". The story of Bacon and his " Laws " is admirably told in Lawrence C. Wroth's *A History of Printing in Colonial Maryland* (pp. 95-110), although the author could have had no knowledge of this attempt by others to forestall him. Nothing has been learned of Thomas Clark and George Scott, who sought to anticipate Bacon, except that there were men of these names at that time in Prince George's County, both probably lawyers. In 1729, a Thomas Clarke had been admitted to practice before the Court of Appeals (Bond's *Proceedings of the Maryland Court of Appeals,* 1695-1729, p. 622).

THE LOAN OFFICE OR OFFICE FOR EMITTING BILLS OF CREDIT

It was customary for the two houses to appoint a joint committee to examine the accounts of the trustees or commissioners of the " Office for Emitting Bills of Credit ". This was also known as the " Paper Currency Office ", or more familiarly as the " Loan Office ". It was the custodian of all taxes collected for the Province, and it issued paper currency secured by the various taxes authorized by the Assembly and by mortgages on land. In order that the public funds might be safely invested and drawing interest, it was authorized to make loans to landholders secured by mortgages or bonds upon their land. The joint committee appointed by both houses to "inspect" the accounts of this office at the several sessions of the Assembly usually consisted of one member of the Upper House who acted as chairman, and seven or eight members of the Lower House. Such inspections or audits were made at the April–May 1757 session (pp. 19-33), at the September-December 1757 session (pp. 352-353), and again at the March–May 1758 session (pp. 524-537). These lengthy committee reports are of considerable interest as showing in detail from just what sources of taxation the public revenues were derived. These included poll taxes, and taxes on land, ordinaries, billiard tables, wheel carriages, bachelors, legal documents, as well as import duties on liquors, horses, negroes, Irish Papists, imported wines, tar, and turpentine.

On December 14, 1757, the committee reported that it found the accounts of this offce so ill kept that a thorough examination had not been possible in the time at its disposal, and recommended that thereafter the books and the accounts of the office be kept in the "Italian Method." It also called attention to the fact that the collectors of taxes in certain counties had failed to make returns (pp. 352-353). Later in this same session a bill was introduced in the Lower House to empower its committee to examine *between* sessions of the Assembly the accounts of the Office for Emitting Bills of Credit, or Paper Currency Office, and also the accounts of the agents authorized to make disbursements under the Supply bills, but after passing a first reading, action upon it was deferred until February of the next session, when again no action seems to have been taken (p. 344).

Filed with certain of these committee reports on the Loan Office will be found lists of persons to whom the trustees or commissioners of the office had made loans secured by mortgages on their lands. A long list of some 180 mortgagors, including many of the most prominent men in the Province, who were indebted to the Loan Office for the bonds or mortgages upon their lands, together with the names of those persons who appeared as their "security", and the amount of principal and interest due from each, was reported to the Assembly on May 8, 1758 (pp. 529-533). The total principal then due to the office by borrowers was £12,757 : 8 : 3, and the interest due was £1,873 : 2 : 10. The committee also reported on the funds of the province in England in the hands of William Hunt and John Hanbury, agents or trustees of the Loan Office in London, showing that there was £3,299 : 1 : 4 in cash, and £19,580 : 0 : 0 invested in capital stock of the Bank of England. A letter from Hunt and Hanbury filed with the Loan Office showed that they had not yet invested this £3,299 : 1 : 4 cash because, while the stock was then "placed at" 119 0/0, they "thought [this premium] will shortly be lost" (p. 534). This Bank of England stock was additional security for the various issues of paper currency.

The committee called Governor Sharpe's attention to the fact that the commissioners of the Loan Office "have failed in sundry Points of their Duty" and desired the Governor to immediately direct them to enter suit against the bonds of such sheriffs and other public offices as have failed to settle with the

Loan Office for monies which they have collected (pp. 677-678). The committee further declared that the accounts of the Loan Office, as had been reported by former committees, were still kept in such irregular manner that the committee did not have sufficient time during a meeting of the Assembly to make a satisfactory examination of them, and again urged that the trustees be required to keep their accounts by the " Italian Method " [double entry], and to close their books immediately following each session. (p. 534)

AGENTS APPOINTED UNDER THE SUPPLY ACTS

Agents were appointed under the various military Supply acts for His Majesty's Service who had charge of all expenditures authorized under these several acts. The agents during this period were William Murdock, James Dick, and Daniel Wolstenhome, the first-named an anti-Proprietary member of the Lower House. Funds were supplied to the agents, apparently in the form of paper currency, by the Loan Office under orders from the Governor; and expenditures of these funds by the agents could only be made when authorized by the Governor. An inspection, or audit, of the office of the agents was made from time to time by a committee of six members of the Lower House, and not by a joint committee of the two houses, as in the case of the Loan Office. To the student of colonial military affairs of this period these reports are of considerable interest as they show among other things the expenditures upon forts Frederick and Cumberland, pay to soldiers and officers, enlistment bounties, payments for arms and ammunition, hospitals, Indian scalps, quartering troops, provisions, messengers and sundry other items. The committee severely criticized many of the military expenditures made by the agents, acting under orders from the Governor, as unauthorized under the several supply acts, but one cannot help feeling that most of these criticisms were captious and made not in good faith, but for the purpose of discrediting the Governor. The committee reports made at the September–December 1757 session (pp. 209-210, 213-214, 257-262), and at the March–May 1758 session (pp. 611-620) are especially full. While criticizing certain expenditures, such as the employment of women as cooks and nurses, the committee reported that the books and accounts of the office of the agents appeared to have been well kept. Perhaps the objection to paying for " 4 Women to each Company " (pp. 263, 619) may refer to " camp followers ".

THE JOURNAL OF ACCOUNTS

It will be noted that at none of the four sessions of the Assembly held during the period covered by this volume was there passed the customary " Journal of Accounts ", which made provision for the payment of the ordinary expenses of government due to its sundry creditors specified in the Journal. It will be recalled that at the February–May, 1756, session, the Lower House had held up approval of the Journal of Accounts because it contained certain items which this body disputed, but had finally, and with great reluctance, agreed to its passage with the reservation that it would never again approve a journal which included the payment of a fixed salary to the clerk of the Upper House, who, the lower chamber felt, should be paid by the Proprietary (*Arch. Md., lii,* 424). As the Upper House was equally obdurate in its insistence that the clerk's salary should be paid out of the public levy, no Journal of Accounts after 1756, providing for the payment of any of the public charges of government, was approved by both houses and made effective until ten years later, when as a result of what amounted to a public uprising of creditors, a compromise was agreed to in 1766 for the payment of back and current debts due to the creditors of the Province (Mereness' *Maryland as a Proprietary Province,* 1901, pp. 368-372).

APPENDIX

In the Appendix will be found printed a number of old records which although not entered in the official proceedings of either house, have a direct bearing on Assembly affairs for the period covered by this volume. In Appendix I is reprinted in full the Supply Bill, or Act for His Majesty's Service, appropriating £20,000 for military purposes, which had been drawn up in, and passed by, the Lower House, and rejected by the Upper House at the September-December 1757 session (pp. 707-750). It had been ordered printed by the anti-Proprietary majority in the Lower House and distributed in pamphlet form as propaganda. Its terms have already been discussed at some length in considering the various Supply or Service bills considered by the Assembly (pp. xxv-xxvi). It will prove of interest to the student of mid-eighteenth century Maryland history, especially in its proposals to impose a tax on annual incomes over £100 and in other new forms of taxation which were proposed. Many of the administration features of the bill were also bitterly opposed by the Upper House.

It was customary from time to time for the Lord Proprietary to send written " Instructions " to the Governor directing him as to what attitude he should take towards various public questions and proposed legislation. In these instructions the Proprietary also indicated his assent to, or veto of, acts which had already been passed by the Assembly and approved by the Governor. Most of these Letters of Instruction have already been printed in the Council proceedings series of the *Archives of Maryland,* but for some unexplainable reason these two " Instructions " did not come to the attention of former editors and are now printed for the first time.

The " Instructions ", dated October 23, 1757, and printed as Appendix II, contain Frederick's assent to all the laws passed at the September-October, 1756, and at the April-May, 1757, sessions, and direct Sharpe to reject the petition of certain Virginians that the vessels of that colony carrying Maryland iron ore be relieved from paying Maryland tonnage duties.

Appendix III reproduces the " Instructions " from Frederick to Sharpe, dated November 27, 1758, in which his assent is given to all the laws passed at the September–December, 1757, session. He also directs the Governor to allow nothing to be done that will adversely affect the friendly relations between Maryland and Pennsylvania by attempting to collect Maryland taxes on lands claimed by both provinces—doubtless a reference to the boundary dispute then in process of settlement; nor is he to approve bills that will in any way restrict the Governor's control over the militia; and he is to enforce his right to use the county militia where, and in any way, he may see fit. The duties and authority of the keeper of the rent rolls for the Eastern Shore are defined. The Proprietary also asked the Governor to report to the Assembly that he had presented to the King the petition of the Assembly requesting that the embargo on provisions be lifted.

In Appendix IV are printed various contemporary papers relating to the disputed legality of the Maryland Act of 1754 which provided for an impost duty on convicts from Great Britain. The dispute as to the collection of these duties has already been discussed in considerable detail in this introduction, and repetition here is unnecessary (pp. xlv-xlvii, 760-771).

In Appendix V will be found a legal opinion by the Attorney-General of Maryland, Stephen Bordley, to the effect that under certain earlier acts of the Assembly the sureties of former trustees of the Loan Office could not now be held legally liable for alleged derelictions in the duties of the trustees. This opinion was doubtless sought by the Governor because he was being hounded by the Lower House to bring suit against the sureties on the bonds of the trustees of the Loan Office.

Appendix VI exhibits an account showing the disbursements for Maryland troops made by Governor Sharpe in 1758-1759, in connection with the western expedition begun under General Forbes, which resulted, not long after the death of Forbes, in the capture of Fort Duquesne (pp. 773-776).

Appendix VII relates to funds raised by popular subscription to pay the expenses, for which the Lower House refused to make an appropriation, of the Queen Anne's County militia, when early in 1758 it was sent by the Governor to garrison Fort Frederick (p. 777).

THE EDITOR.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

At a Session Held at Baltimore Town, April 8–May 9, 1757.
Being the Sixth Session of the Assembly Elected in
November–December, 1754.

FREDERICK CALVERT, LORD BALTIMORE,
Lord Proprietary.

HORATIO SHARPE,
Governor.

PROCEEDINGS

OF THE

UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at Baltimore Town in Baltimore County on Friday the 8.th Day of April in the 6.th Year of his Lordship's Dominion Annoque Domini 1757.

U. H. J.
Liber No. 35
1757,
April 8
p. 147

Present

His Excellency Horatio Sharpe Esq.r Governour.

the honble Benjamin Tasker Esq.r, Col. Charles Hammond, Col: Edward Lloyd, Col: Benjamin Tasker, Richard Lee Esq.r, Benedict Calvert Esq:r

Messieurs Tilghman and Henry acquaint his Excellency that there are a sufficient Number of Members met to make a House, and wait his Excellency's Commands.

Col: Hammond and Col: Lloyd are sent to the Lower House to acquaint the Speaker, that his Excellency requires his immediate Attendance.

The Lower House attend and his Excellency is pleased to make the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly.

You will learn from some Minutes which the Earl of Loudoun has given me to lay before you that a plan has been formed for the better Defence of his Majesty's Dominions in North America, and for annoying his Majesty's Enemies in these parts, you will also see what Share his Lordship expects you will take in carrying the plan into Execution, and as the Supplies that I am to ask of you are small in Comparison to what some of his Majesty's Colonies generously offered to grant on this Occasion, and your Troops to be employed for the more immediate protection of this Province, I need not I hope use any other Argum.ts to press you to comply with his Lordship's Requisitions, and as I doubt not but we all meet sincerely disposed to manifest our Zeal for, and to promote the Service of our most gracious Sovereign, I flatter myself we shall proceed with Unanimity, and give such Dispatch to the Business, on which we are assembled, as the present Posture of Affairs and the advanced Season require.

Minutes taken at a Meeting of the Governours of North Carolina, Virginia, Maryland and Pensilvania, with the Earl of Loudoun Commander in chief of his Majesty's Forces in North America, began at Philadelphia, the 15: of March, and continued by several Adjournments to March 1757:

U. H. J. Liber No. 35 April 8 The Meeting having been informed by the Earl of Loudoun that there was a plan approved of by his Majesty of employing the greatest part of the Troops this Campaign to the Northward, and that he had invited them to this Meeting in Order to concert in Conjunction with them a plan for the Defence of the Southern provinces, whilst the other Operations were carrying on.

His Lordship further acquainted them that he was willing to Leave for the Defence of the Southern provinces, one Battalion to be compleated to one thousand Men, and the three independent Companies in South Carolina of 100: Men each, which may amount to 200: effective Men:

p. 148 And that he thought it necessary for the Security of the whole, that the several provinces should furnish by the following proportions:

Pensilvania	1400.
Maryland	500.
Virginia	1000.
North Carolina	400.
South Carolina	500.
which joined to the King's Troops	1200.
make in the whole	5000. Men.

And the several Governors do engage to use their best Endeavours with their several provinces to raise and support the above Number to act in Conjunction with the regular Forces, and under the Command of his Majesty's General, or the Officer properly authorized, according to his Majesty's Regulation.

The Meeting taking into Consideration the Situation of the several provinces, and the Intelligence received from different parts, it appears to them that there is Danger of the Enemy's making an Attack on the province of South Carolina, either by Sea from S.t Domingo, or from the Albarno Fort in the Creek Indians, on the Head of the Mobile.

For which Reason they have agreed that there ought to be two thousand Men employed in the Defence of that valuable Province of South Carolina, and to secure Georgia, and that they should be composed as follows:

Five Companies of regular Troops	500.
Three independent Companies	200.
Provincial Troops, raised by the Province of South Carolina	500.
Provincial Troops from North Carolina	200.
Provincial Troops from Virginia	400.
Provincial Troops from Pensilvania	200.
making in the whole	2000. Men.

That the said Troops should be put under the Command of Lieutenant Colonel Bouquet, and transported to Charles Town in South Carolina as soon as possible, the regular Troops, and the two hundred Provincial Troops of Pensilvania by Sea from home.

U. H. J.
Liber No. 35
April 8

The four hundred Provincial Troops of Virginia by Sea from and the two hundred Troops from North Carolina to march by land.

The Earl of Loudoun, on the Part of the Crown agrees that he will at the King's Expence supply the two hundred Men from North Carolina, the 400. Men from Virginia, and the 200. from Pensilvania with the King's Provisions from the Time they arrive in South Carolina, during the Time he keeps them there, but that he expects the several Provinces from whence they are detached should transport them there at the Expence of the Province from whence they are sent.

And to prevent any Mistake hereafter arising in Relation to any Demand that may be made, it is agreed that the several Provinces shall maintain the Remainder of the Troops raised by them for the Service in every Article, as on this Occasion they are entirely employed in the Defence of and for the Security of the respective Colonies.

And it is further agreed that we the Governours shall in our respective Provinces, take particular Care to form such Regulations, and to see them properly executed, that in all Time coming, Carriages for transporting the Baggage of his Majesty's Troops, shall be prepared at stated reasonable Rates, and that all the Troops of whatever Denomination, either passing through our Provinces, or while in fixed Quarters therein shall in Time of Peace be properly quartered, and while in Time of war whatever Number of Troops the Commander in Chief may judge necessary for Defence, or carrying on the general Service, shall be quartered according to Custom or the Exigencies of the Service.

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Arthur Dobbs
W.^{m} Denny
Rob.^{t} Dinwiddie
Hor.^{o} Sharpe.

The above Resolutions are agreed to by the several Governours, and signed in presence of the Earl of Loudoun, his Majesty's Commander in chief.

Loudoun

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment

U. H. J. Liber No. 35 April 8

Present as in the Morning

Read the Letter of Thomas Cresap, sent by the Governour to this House, signed by Daniel Cresap, inviting any Persons to go out with a Number of Catawba Indians, against the French and their allied Indians, referred to the Consideration of the Lower House, and sent by Benedict Calvert Esq.^r

Read the petition of John Kirkpatrick of Cecil County praying Relief for some Damage Done a House of his in Charles Town by the Soldiers during their being quartered last Winter, in the said Town, referred to the Consideration of the Lower House, and sent by Richard Lee Esq.^r

Read the Petition of the Justices of Frederick County, praying 150.£ may be levied for the compleating the Goal of the said County, and also for easing the said County from some Expences they are burthened with, in maintaining some Soldiers grown infirm, in the Country's Service referred and sent by Col: Tasker.

Adjourned 'till to Morrow Morning 10. of the Clock

April 9

[Saturday Morning 9: of April 1757]

This House met again according to Adjournment.

Present as Yesterday

Benjamin Tasker Esq.^r attended by the Members of this House presents to his Excellency the Address of this House, which follows in these Words.

To his Excellency Horatio Sharpe Esq.^r Governour and Commander in Chief, in and over the Province of Maryland.

The humble Address of the Upper house of Assembly

May it please your Excellency.

We return your Excellency Thanks for your Speech, at the opening of this Session the Supplies the Earl of Loudoun requires of this Province are so moderate, in Comparison of those expected from some of the neighbouring Colonies, and especially as they are to be employed in our more immediate Defence that your Excellency may be assured nothing shall be wanting on our Part to comply with his Lordship's Requisition, and we hope the Business of this Session will be carried on with such Harmony and Dispatch that his Majesty's Service may suffer no Delay from the Province of Maryland.

B. Tasker President

April 9.^th 1757.

Adjourned 'till Monday Morning ten of the Clock.

April 11

Monday Morning 11: of April 1757.

This House met again according to Adjournment

Present

U. H. J.
Liber No. 35
April 11
p. 150

the honourable Benjamin Tasker Esq:^{r} Richard Lee Esq.^{r}
Col: Edward Lloyd
Col: Ben: Tasker. Benedict Calvert Esq.^{r}

Adjourned 'till 3. of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: of the Clock

Tuesday Morning 12: April 1757.

April 12

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess:^{rs} Henry and Bealle

By the Lower House of Assembly
12. of April 1757.

May it please your Honours

This House hath appointed M.^{r} Walter Dulany, Colonel Henry M.^{r} Earle, M.^{r} Bealle, M.^{r} Bracco, M.^{r} Paca, and M.^{r} Lloyd, a Committee from this House to inspect the Accounts and Proceedings, of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly and desire your Honors to appoint one or more Members of your House to join in the said Committee.

Signed ꝑ. Order. M Macnemara Cl. Lo: Ho:

The following Message is sent to the Lower House by Benedict Calvert Esq:^{r}

This House hath appointed Benedict Calvert Esq:^{r} to join the Members named by your House in a Committee to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office.

Signed ꝑ: Order: J Ross: Cl. Up: Ho:

Adjourned 'till to Morrow Morning 10. of the Clock.

U. H. J.
Liber No. 35
April 13

Wednesday Morning 13: of April 1757:

This House met again according to Adjournment.

Present as Yesterday.

Messieurs Lloyd and Gale from the Lower House acquaint his Excellency, that their present Speaker is so much indisposed that he is not able to attend

Col: Lloyd is sent to the Lower House to acquaint them that his Excellency requires their immediate Attendance:

The Lower House attend, and his Excellency desires them to return to their House, and make Choice of a Speaker.

Messieurs Tilghman and Carroll acquaint the Governour, their House hath made Choice of a Speaker.

p. 151 Col. Tasker is sent to the Lower House to acquaint them his Excellency requires their Attendance to present their Speaker.

The Lower House attend, and present Col: Hooper for their Speaker, with which Choice the Governour declares himself well pleased.

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The Governor is pleased to communicate to this House his Answer to their Address.

Gentlemen of the Upper House of Assembly

The professions you are pleased to make of the greatest Readiness on your Part to comply with the Earl of Loudoun's Requisition, are very agreeable to me, and I am well assured you will be always in the Number of those who shall be most forward to promote his Majesty's Service.

Hor.° Sharpe

Adjourned 'till to Morrow Morning ten of the Clock

April 14 Thursday Morning 14: of April 1757.

This House met again according to Adjournment.

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning except Benjamin Tasker Esq.r Adjourned 'till to Morrow Morning ten of the Clock. U. H. J. Liber No. 35 April 14

Friday Morning 15. of April 1757. April 15

This House met again according to Adjournment.

Present as Yesterday.

Read the Petition of William Wethered of Kent County praying Relief, his House in George Town in the said County being burn't during the time the Soldiers were quartered therein and the Petition of the Justices of Dorchester County, praying Leave to bring in a Bill to sell so much Land that is laid out for a Prison in Cambridge, more than is necessary for the Use of the County, referred to the Consideration of the Lower House, and sent by Richard Lee Esq.r

Read the Petition of Benjamin Chew, Nathan Baker, Thomas Thornton Francis Key and Elihu Hall of Cecil County, praying an Allowance may be made them for Sundries furnished by their Order to two Companies of Soldiers consisting of eighty Men, which were quartered in Charles Town from 14: of December to 14: March last, amounting to £46. 5. p.

Read also the Petition of sundry Inhabitants of Chester Town in Kent County, praying an Allowance may be made them for Sundries furnished to about 100. Soldiers, and Officers, during their being quartered in the said Town.—referred to the Consideration of the Lower House and sent by Benedict Calvert Esquire.

Saturday Morning 16. of April 1757. April 16 p. 152

This House met again according to Adjournment

Present as Yesterday.

Adjourned 'till Monday Morning 10. of the Clock.

Monday Morning 18. of April 1757. April 18

This House met again according to Adjournment.

Present

The honourable {Col: Edward Lloyd, Col: Benj: Tasker} {Richard Lee Esq.r, Benedict Calvert Esq.r}

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

U. H. J. Liber No. 35 April 18 Present as in the Morning.

Adjourned 'till to Morrow Morning 10. of the Clock

April 19 Tuesday Morning 19.th of April 1757.

This House met again according to Adjournment.

Present as Yesterday and Benjamin Tasker Esq.r

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning and Col: Hammond.

Read the Petition of the Commissioners of the Paper Currency Office praying an Act may pass to give them further Relief in the manner of sueing the Office Bonds, referred to the Consideration of the Lower House of Assembly and sent by Col: Hammond.

Adjourned 'till to Morrow Morning ten of the Clock

April 20 Wednesday Morning 20. April 1757:

This House met again according to Adjournment

Present as Yesterday.

Read the Petition of several ffrench Acadians praying Relief, and the Petition of sundry Persons, on Behalf of themselves and others Inhabitants of the said Province, praying an Allowance may be made them for their Servants who were enlisted, and for which no Payment was ever made them, referred to the Consideration of the Lower House, and sent by Benedict Calvert Esquire.

Read the Petition of Daniel Chamier, Admor of Valerius Duchart, an Alien, deceased, praying that the Land of which he died possessed, and is escheated by Doctor William Lyon may be sold for the Benefit of the Widow and Children of the said Valerius Duchart rejected.

Adjourned 'till to Morrow Morning 10. of the Clock.

April 21 Thursday Morning 21. of April 1757.

This House met again according to Adjournment.

Present as Yesterday.

A Bill from the Lower House of Assembly by Philip Hammond, and five others entituled, An Act for his Majesty's Service, and the more immediate Defence, and Security of this Province thus endorsed.

U. H. J.
Liber No. 35
April 21
p. 153

By the Lower House of Assembly 19. of April 1757.

Read the first Time, and ordered to lie on the Table.

Signed ꝑ Order. M Macnemara, Cl. Lo: Ho

By the Lower House of Assembly 21. of April 1757:

Read the second Time and will pass.

Signed ꝑ: Order. M Macnemara, Cl. Lo: Ho:

Read the first Time in this House, and ordered to lye on the Table.

Two Bills from the Lower House of Assembly by Messieurs Williamson and Reynolds, one intituled, An Act continuing an Act for the Tryal of all Matters of Fact in the several Counties where they have arisen, or shall arise, and an Act continuing an Act, entituled, An Act for the speedy Recovery of small Debts out of Court before one Justice of the Peace thus endorsed:

By the Lower House of Assembly 21. of April 1757.

Read the first and second Time

Signed ꝑ: Order. M Macnemara Cl: Lo: Ho:

Read the first time in this House and ordered to lie on the Table.

Adjourned 'till to Morrow Morning ten of the Clock.

Friday Morning 22.^{d} April 1757.

April 22

This House met again according to Adjournment.

Present as Yesterday.

Read the Petition of Susannah Risteau Administratrix of Talbot Risteau, late of Baltimore County deceased, praying Leave to bring in a Bill to sell the Dwelling House Lotts, and Piece of Land in Joppa lately belonging to the said Risteau, for the Payment of his Debts.—rejected.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning and Philip Thomas Esq.^{r}

Eleven Bills from the Lower House of Assembly by Messieurs Traverse and Gray, viz.^{t} A Bill entituled, An Act continuing an Act, entituled an Act to impower the Justices of the several County Courts to make Provision for the late Inhabitants of Nova Scotia, and for regulating their Conduct. A Bill, entituled, An Act continuing An Act, entituled an Act to present Masters of Ships and

U. H. J. Liber No. 35 April 22 Vessels from clandestinely carrying Servants and Slaves, or Persons indebted out of this Province. A Bill, entituled, An Act continuing an Act entituled, An Act to prevent Persons from secreting Boats, Flats, and other Vessels drove by Stress of Weather, or otherwise from Landings, or Mooreings; A Bill entituled, An Act continuing an Act, entituled, A supplementary Act to the Act, entituled, An Act for the Relief of Creditors in England against Bankrupts who have imported any Goods into this Province not accounted for. A Bill entit.^d An Act continuing an Act, intituled, An Act for the Advancement of Justice. A Bill entituled An Act continuing an Act to remedy some Evils relating to Servants. A Bill, entituled, An Act for the Relief of sundry Inhabitants of Allhallows Parish in Worcester County.

p. 154 A Bill entituled, An Act continuing An Act, entituled, An Act for the Gauge of Barrels for Pork Beef, Pitch, Tar Turpentine, and Tare of Barrels for Flour or Bread. A Bill, entituled, An Act for leasing out Part of the Prison Land in Dorchester County A Bill, entituled, An Act continuing an Act, entituled, A supplementary Act to the Act entituled, An Act ascertaining the Heighth of Fences to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse Rangers within this Province, and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses Mares and Colts that run in the Woods. A Bill, entituled, An Act continuing an Act entituled, an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the supplementary Act thereto; severally thus endorsed

By the Lower House of Assembly 20. April 1757.

Read the first Time in this House, and ordered to lie on the Table.

Signed ꝑ: Order M Macnemara Cl. Lo: Ho:

By the Lower House of Assembly 21. of April 1757.

Read the second Time, and will pass.

Signed ꝑ. Order, M Macnemara Cl. Lo: Ho:

Read the first Time in this House, and ordered to lie on the Table. Adjourned 'till to Morrow Morning 10. of the Clock.

April 23 Saturday Morning 23. of April 1757.

This House met again according to Adjournment.

Present as Yesterday.

Read the second Time the Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Security of this Province, and with the Amendments proposed in a Schedule herewith sent will pass: sent to the Lower House of Assembly by Richard Lee Esq:r U. H. J. Liber No. 35 April 23

By the Upper House of Assembly 23. April 1757.

After the Word Province in the sixth Line of the first Page, to the Word bring in the 7.th Line, leave out, and insert the Word therefore, after the Word Protection, in the 9.th Line of the same Page insert the Word We: After the Word unexpended in 18. Line of same Page put, except such Part as is appropriated to the Completion of Fort Frederick by the Act, intituled, An Act for the further Defence and Security of this Province, instead of the Words, to a Surgeon six Shillings in the 8.th Line of the same Page, insert two Surgeons six Shillings each, and instead of the Word Surgeon in the 12.th Line of the same Page insert Surgeons. Leave out from the Word Province, in the 15.th Line of the same page to the Bottom; leave out from the Word Province, in the second line of the third page, to the Word shall in the same Line, leave out after the Word, Inhabitants, in the third Line of same page to the End of the sixth, and insert the following Words, unless otherwise ordered by his Majesty's Commander in Chief, or other Person properly authorized, reserving nevertheless, and leaving for the protection, and Security of Fort Frederick so many of the said Men, as shall be by the Governor or Commander in Chief of this Province for the time being thought p. 155 expedient. Leave out all that follows the Word Money, in the 8.th Line of the fourth Page to the End of that Clause, and insert the following Words: And the said Captains are hereby required and directed to repay to the said Agents, any Part of the said Money, that might remain in their Hands unapplied, to the Use aforesaid, under the Penalty of being cashiered: in the 15: Line of the same Page, after the Words delivered, to insert the following the Governour or Commander in Chief of this Province for the time being and to, instead of the Words, on Oath, in the 17.th Line of the same Page, insert the following, signed by himself, and one other Commission Officer, in the 21. Line of the same Page, leave out the Words and Receipts; after the Word deliver in the same Line, insert these Words to the Governor or Commander in Chief of this Province for the Time being, and such like Muster Rolls, and the Receipts aforesaid, leave out after the Words Muster Roll, in the 24.th Line of the same Page, to the Word all in the 27.th Line of the same Page, and insert the following, under the Penalty of being cashier'd, instead of the Words one Shilling, in the 8.th Line of the fifth Page, insert nine pence, in the 12.th Line of the same Page, instead of England insert Great Britain, and after the Word Act in the following Line, insert these Words, provided always, and it Shall and may be lawful to and for the Governour or Commander in Chief of this Province for the time being from time to time during the Continuance of this Act to grant Commission to any Officer of the said five hundred

U. H. J. Liber No. 35 April 23 Men not under the Degree of a Captain, for holding a General Court Martial within this Province, in which Court Martial all the Offences committed against the Statutes of Great Britain, now in Force relating to Martial Law and Discipline, shall be tried and proceeded against Provided also that no General Court Martial which shall have Power to sit by Virtue of this Act, shall consist of a less Number than seven, whereof none to be under the Degree of a Commission Officer, and the President of such General Court Martial, shall not be under the Degree of a Captain, and that no Sentence of Death shall be given against any Offender by such General Court Martial, unless five of the said seven, or two Thirds of a greater Number than seven Officers present shall concur therein, nor shall any Sentence of Death given by such Court Martial be carried into Execution, until the Minutes of the Proceedings of such Court Martial be laid before the Governor or Commander in Chief of this Province for the time being, and his Warrant thereupon obtained for the Execution of such Sentence, instead of the Words five Pounds Current Money, in the fourth line of the 6.th Page, insert, ten Pounds Current Money, or three Months close Imprisonm: leave out after the Word raised, in the 19.th Line of the same Page, to the End thereof and insert the following, in the Levy of the County whereof he was last a Taxable during the Time of such Disability on his Application, and producing a Certificate of his Discharge, and Disability, from the Captain under whom he served to the Justices of such County Court which aforesaid Yearly Pension, shall be allowed the said County in the Public Levy, on the Application of the Justices of such County, instead of the p. 156 Word Cloaths in the third line of the seventh Page put such Cloaths as the Governor or Commander in Chief of this Province for the time being shall direct, after the Word applied, in the last Line of the last page insert the following Clauses: Provided Nevertheless that if the Exigency of the Service should make it necessary for any Carriage employed within this Province in his Majesty's Service to travel more than 15. Miles, in one Day, then and in such Case, the Owner or Driver of such Carriage shall proceed farther, but for every Mile that he shall travel that Day with the Carriage, above the 15. Miles, he might demand, and shall receive the Sum of one Shilling and four Pence ℘. Mile (if a Waggon) and one Shilling ℘. Mile if a Cart, over and above the Sum of 12/6. or 10/. before allowed for a Day's Service.

And Whereas it might be necessary to make a Provision, for Intelligence and other Contingencies, which it is impossible particularly to express and specifie in this Act. Be it further Enacted by the Authority aforesaid, that it shall and may be lawful to and for the Governor or Commander in Chief of this Province for the time being from time to time during the Continuance of this Act to draw his Order on the Agents aforesaid for any Sum or Sums of

Money not exceeding in the whole the Sum of £50: payable to such Person or Persons as he shall think fit, and the said Agents are hereby directed and required to pay all such Orders as aforesaid drawn, the Governor or Commander in Chief for the time being expressing in such Order, the particular Use or Purpose for which the same, is, are, or shall be drawn. U. H. J. Liber No. 35 April 23

Signed ꝑ. Order. J Ross: Cl. Up: Ho:

Adjourned 'till Monday Morning 10. of the Clock.

Monday Morning 25. of April 1757. April 25

This House met again according to Adjournment.

Present

The honourable
Benjamin Tasker Esq.^{r}
Colonel Edward Lloyd
Philip Thomas Esq:^{r}
Col: Benjamin Tasker
Richard Lee Esq.^{r}
Benedict Calvert Esq.^{r}

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10 of the Clock.

Tuesday Morning 26. of April 1757. April 26

This House met again according to Adjournment

Present as Yesterday.

Messieurs Frazer and Jenifer, attend with M.^{r} Gantt a Member elected for Prince Georges County, in the Room of M.^{r} John Hawkins deceased, in Order to see him qualified, who takes the several Oaths to the Government appointed to be taken by Act of Act of Assembly, repeats and subscribes the Abjuration and Test, and then withdraw

Read the Petition of the Rector, and Vestrymen of S.^{t} Georges Parish in Baltimore, and of the Inhabitants of the said Parish praying that the Sum of 500.$^{£}$ may be levied on the taxable Inhabitants of the said Parish, towards building a Church in the said Parish. rejected. p. 157

Read the Petition of the Inhabitants of Baltimore Town, and other the Inhabitants of Baltimore County, praying an Addition may be made to the said Town, referred to the Consideration of the Lower House of Assembly and sent by Benedict Calvert Esq.^{r}

U. H. J. Liber No. 35 April 26 Read the second Time the Bill intituled, An Act continuing an Act, intituled, An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine and Tare of Barrels for Flour or Bread.—A Bill, intituled, An Act continuing an Act, entituled, An Act to impower the Justices of the several County Courts to make Provision for the late Inhabitants of Nova Scotia, and for regulating their Conduct.—the Bill, intituled, An Act continuing an Act, entituled, A supplementary Act to the Act, entituled, An Act for the Relief or Creditors in England against Bankrupts, who have imported Goods into this Province not accounted for.—the Bill, entituled, An Act continuing an Act, entituled, An Act to prevent Masters of Ships and Vessels, from clandestinely carrying Servants, and Slaves, or Persons indebted out of this Province—the Bill, entituled, An Act continuing, an Act entituled, An Act to prevent Persons from secreting Boats, Flats, and other Vessels drove by Stress of Weather, or otherwise from their Landings or Moorings. the Bill, entituled, An Act continuing an Act, intituled, An Act for the Advancement of Justice—the Bill entituled, An Act continuing an Act to remedy some Evils relating to Servants—the Bill, entituled, An Act continuing an Act, entituled, An Act for relieving the Inhabitants of this Province from some Aggrievancies, in the Prosecution of Suits at Law, and for continuing the supplementary Act thereto—the Bill, entituled, an Act, continuing an Act, entituled, An Act for the speedy Recovery of small Debts out of Court before one Justice of the Peace—the Bill, intituled, An Act continuing an Act, intituled, a supplementary Act to the Act intituled, An Act ascertaining the Heighth of Fences, to prevent the Evil occasioned by the Multitude of Horses, Mares, and Colts, that run in the Woods—the Bill, entituled, An Act for leasing out Part of the Prison Land in Dorchester County,—the Bill, entituled, An Act for Relief of sundry Inhabitants of Allhallows Parish in Worcester County. passed and sent to the Lower House of Assembly, by Benedict Calvert Esq.r

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again, according to Adjournment

Present as in the Morning.

p. 158 Read the second Time the Bill entituled, An Act for the Trial of all Matters of Fact in the several Counties, where they have arisen, or shall arise and will not pass, sent to the Lower House of Assembly by Richard Lee Esq.r

Read the Petition of sundry the Inhabitants of Ann Arundell County praying Leave to bring in a Bill to add Part of Lun's Lott, and one Acre Part of a Tract of Land called Deep Point to Baltimore Town rejected.

U. H. J. Liber No. 35 April 26

Read the Petition of sundry the Inhabitants of Ann Arundell County setting forth that the Owners of the Iron Manufactures, are exempt from paying Levies for 80. Taxables, for four Years, and also that the Public Roads are much damaged by their Carriages, and the Owners of such Carriages indulged in the repairing the Public-Roads.

Adjourned 'till to Morrow Morning 10. of the Clock

Wednesday Morning 27. of April 1757. April 27

This House met again according to Adjournment

Present as Yesterday

The following Message from the Lower House of Assembly by Messieurs Lloyd and Govane, with the Bill, entitled, An Act for his Majesty's Service, and the more immediate Defence, and Security of this Province.

By the Lower House of Assembly 27. April 1757.

May it please your Honours

[The message and bill are printed in full in Lower House Journal pp. 74-76]

Adjourned 'till three of the Clock in the Afternoon p. 160

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning.

The following Message is sent to the Lower House of Assembly by Benedict Calvert Esq.^{r}

Gentlemen

In Answer to your Message with the Bill, we are glad to find that you have thought it expedient to consent to many of our Amendments proposed to that Bill, and although we cannot be of Opinion with you that five hundred Men are more than are necessary for our more immediate Defence, yet we shall condescend for the quicker Dispatch in passing a Bill so necessary for his Majesty's Service, not to insist on the first, and in Consequence of the second of our Amendm.^{ts} the third we likewise are willing to pass over, but the 7.th 8.th 11.th & fourteenth of the Amendments proposed we must still insist on, which being made by you together with those you have already agreed to, we shall be willing to pass it.

Adjourned 'till to Morrow Morning ten of the Clock

U. H. J. Liber No. 35 April 28 Thursday Morning 28. April 1757.

This House met again according to Adjournment.

Present as Yesterday.

Twelve engrossed Bills from the Lower House of Assembly, by Mess.rs Marshall and Gantt, intituled, as follows. An Act continuing an Act, intituled, An Act for the Advancement of Justice—An Act continuing an Act, intituled, An Act for relieving the Inhabitants of this Province, from some Aggrievancies, in the Prosecution of Suits at Law, and for continuing the supplementary Act thereto.—p. 161 An Act continuing an Act, entituled, An Act to remedy some Evils relating to Servants—An Act continuing an Act, entituled, A supplementary Act, to the Act, entitled, An Act ascertaining the Heighth of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse Rangers within this Province, and to redress the great Evil acçruing to this Province by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods—An Act continuing an Act, entituled, An Act for the Gauge of Barrels for Pork, Beef Pitch Tar, Turpentine, and Tare of Barrels for Flour, or Bread—An Act continuing an Act entituled, An Act to impower the Justices of the several County Courts, to make Provision for the late Inhabitants of Nova Scotia, and for regulating their Conduct. An Act continuing an Act, entituled, An Act for the Relief of Creditors in England against Bankrupts who have imported Goods into this Province not accounted for—An Act continuing an Act, entituled, An Act to prevent Masters of Ships & Vessels, from clandestinely carrying Servants and Slaves, or Persons indebted out of this Province.—An Act continuing an Act, entituled, An Act to prevent Persons from secreting Boats, Flats, and other Vessels, drove by Stress of Weather or otherwise from their Landings, or Moorings—An Act continuing, an Act entituled, An Act for the speedy Recovery of small Debts out of Court, before one Justice of the Peace—An Act for leasing out Part of the Prison Land, in Dorchester County—An Act for Relief of sundry Inhabitants of Allhallows Parish in Worcester County. severally thus subscribed:

28.th April 1757.

Read and assented to by the Lower House of Assembly.

Signed ꝑ. Order. M Macnemara Cl. Lo: Ho:

Adjourned 'till to Morrow Morning 10. of the Clock.

April 29 Friday Morning 29.th April 1757.

A Bill from the Lower House of Assembly by Messieurs Sprigg and Casson entituled, An Act for the Relief of Sundry Inhabitants of this Province who have had their Servants, enlisted into his Majesty's Service, thus subscribed: U. H. J. Liber No. 35 April 29

By the Lower House of Assembly 21.st of April 1757.

Read the first time, and ordered to lie on the Table.

Signed ꝑ: Order. M Macnemara Cl: Lo: Ho:

By the Lower House of Assembly 25. April 1757.

Read the second Time, and will pass:

Signed ꝑ. Order. M Macnemara Cl: Lo. Ho:

Read the first Time in this House, and ordered to lie on the Table.

Read the Petition of the several following insolvent Debtors, viz.^{t} Tho.^{s} Gay George Benson, James Horn, and Alexander M.^{c}Mullen p. 162 languishing prisoners in Worcester County Goal. Thomas Webb, John Bateman, William Matherly languishing Prisoners in Ann Arundel County Goal: Pearce Tracey, Jn.^{o} Barnett, Bigger Head, Jacob Tracey, and Thomas Thomson languishing Prisoners in Frederick County Goal.—James Fanning, Thomas Cloak, Edmund Lowe, Charles Mooney, Nicholas Seymore, and Nathaniel Wright, languishing Prisoners in Queen Ann's County Goal—John Talbot senior, a languishing Prisoner in Baltimore County Goal—and Nicholas Dawson a languishing Prisoner in Prince Georges County Goal, praying Relief, referred to the Consideration of the Lower House of Assembly, and sent by Benedict Calvert Esq.^{r}

Benedict Calvert Esq.^{r} from the Committee appointed to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office brings in the following Report.

Maryland ss.

At a Committee of both Houses of Assembly appointed to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly, April 18. 1757.

were present

The honourable Benedict Calvert Esq.^{r} of the Upper House.

M.^{r} John Henry
M.^{r} Michael Earle
M.^{r} Josiah Bealle
M.^{r} John Bracco
M.^{r} Robert Lloyd
M.^{r} Alex.^{r} Williamson
and
M.^{r} John Paca
of the Lower House

Who make Choice of and appoint the honourable Benedict Calvert Esq.^{r} Chairman, and Richard Dorsey their Clerk, and proceed to make the following Report.

U. H. J. Liber No. 35 April 29 Your Committee upon Examination of Copies from the Office Books laid before us by Richard Dorsey Clerk of the said Office, find, that on the 14.th day of this Instant April, there remained of the £89990. a Ballance in the Iron Chest of £1310.2.4½. £460.16.0. whereof is to be paid the Agents, in Part of the £5984.14.0. directed p. 163 to be taken out of the £40,000. Act. But as these Copies were made out in a Hurry, and not properly attested, it is impracticable at this Time to make out an accurate State of that Account.

Your Committee find that no Money hath been paid into the Office in Virtue of the Act for Encouragement of able bodied Freemen, voluntarily enlisting in his Majesty's Service, for the Expedition against Cuba, since the last Report, so that a Ballance of £686.14.6. still remains due to the Office on that Act, which was to have been replaced by Public Assessment.

Your Committee further find, that there remains due to the Office by the Act for purchasing Provisions for his Majesty's Forces for the Expedition against Canada, to be replaced by Ordinary Licences, the Sum of 416.$^{£}$ 14.^{s} 4¾.^{d} that there remains also due for Money taken out of the Office by the Act for his Majesty's Service past in July 1754. which is to be replaced by the additional Sum of twenty Shillings, on Ordinary Licences, the Duty on Servants, Madeira Wine, Wheel Carriages, Pedlar's Licences, and the additional Duty on Negroes, the Sum of £2486.9.8. as ꝑ: the following Accounts (viz.^{t})

D.^{r} The Public by the Act for purchasing Provisions for his Majesty's Forces on the Canada Expedition.

	£.	s.	d.
To Ballance as ꝑ: Report in Sep.^{r} Session 1756....	785.	3.	7.

C.^{r}

	£.	s.	d.
By Money paid by sev.^{l} Sheriffs for Ord.^{y} Licences..	368.	9.	2¼
By Ballance due on this Account................	416.	14.	4¾.
	£785.	3.	7.

D.^{r} The Public by the Act for his Majesty's Service past in July 1754.

	£.	s.	d.
To Ballance as ꝑ: Report in Sep.^{r} Session 1756....	3380.	18.	3¾.
	£3380.	18.	3¾.

C.^{r}

	£.	s.	d.
By Money paid by several Sheriffs for the additional Sum of 20/: on Ordinary Licences..........	124.	7.	11¾
By Money paid by d:^{o} for the 2.^{d} ꝑ. Gallon on Madeira Wine	1.	3.	2.

By Money paid by D.^{o} for Wheel Carriages	125. 5. 0.	U. H. J. Liber No. 35 April 29
By Money paid by several Naval Officers for the Duty, on Negroes Servants, and Madeira Wine	599.15. 0.	
By Money paid by several County Clerks for Pedlar's Licences	43.17. 6.	p. 164
Ballance on this Account	2486. 9. 8	
	£3380.18. 3¾	

Your Committee observe that of the Money reported the last Session to be due from several Sheriffs, on Account of Ordinary Licences, and Wheel Carriages the following Sums still remain unpaid:

	Ord: Licences.	Wheel Car.
John Risteau late Sheriff of Baltimore County	121.10. 0.	
Henry Morgan, late Sheriff of same County	26. 2. 6.	
Thomas Sheredine, late Sheriff of same County for the Year 1750	24. 5. 6.	
Tho.^{s} Sheredine jun.^{r} late Sheriff of same County, for y.^{e} Year 1752	0.19. 9½	
John Smith late Sheriff of Cecil County . .	49. 8. 5.	
Michael Earle late Sheriff of same County	4.10. 0.	
John Parran late Sheriff of Calvert County	11.17. 6.	
Osborn Sprigg, late Sheriff of Prince Georges County	131.16. 5½	
Joseph Belt junior, late Sheriff of same County	18.10. 0.	
Walter Hanson, late Sheriff of Charles County	23.15. 0.	
Thomas Hungerford, late Sheriff of same County	22. 7. 4½	
William Manduit late Sheriff of Prince Georges County	59.19. 4½	
Jn.^{o} Cook late Sheriff of same County 96.$^{£}$ 6.^{s} 7½.^{d} &. £47.5.8¾	143.12. 4½	
George Gordon, late Sheriff of Frederick County	37. 3. 4.	
William Young, late Sheriff of Baltimore County	119.13. 8¼.	
Turner Wotton, late Sheriff of Prince Geo: County	179. 1. 6.	27.15.9.
William Allen, Sheriff of Somerset County		0.19.3.
John Dennis jun.^{r} Sheriff of Worcester County		0.19.6.

N. B. The Clk: of S.^{t} Mary's County, hath not returned the List of Ordinary Licences, granted in the Year 1753.

U. H. J. Liber No. 35 April 29

Your Committee further observe that there is also due from several Sheriffs for Ordinary Licences &c. as appears by the Lists returned by the County Clerks since the last Report £228.3.6½:

D.r Charles Christie late Sheriff of Baltimore County. Ex.rs

To list of Ordinary Licences 1756	£42. 0. 0.

C.r

By Comm.n at 5. ℘: C.t	2. 2. 0.
Ballance due	39.18. 0.
	42. 0. 0.

D.r Colmore Beanes, Sheriff of Prince Georges: County.

To Ordinary Licences, granted in Nov.r Court 1756.	5.15. 0.

C.r

By Commission at 5. ℘. C.t	0. 5. 9.
Ballance due	5. 9. 3.
	£5.15. 0.

p. 165

D.r Turner Wotton late Sheriff of Prince Georges County.

	£. s. d.
To List of Ordinary Licences granted from March to Aug.t Court 1756. inclusive	58.18. 4.

C.r

By Commission at 5. ℘: C.t	2.18.10½
Ballance due	55.19. 5½
	£58.18. 4.

D.r Jacob Hindman, Sheriff of Talbot County.

To List of Ordinary Licences granted in June and Aug.t Courts 1756:	18. 1. 6.

C.r

By Commission at 5. ℘: C.t	0.18. 1.
By Money paid in Part	16.12. 6.
Ballance due	0.10.11.
	£18. 1. 6.

D.r Meveril Locke, Sheriff of S.t Mary's County.

To List of Ordinary Licences 1756	7. 0. 0.

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C.^{r}

By Commission at 5. ℘. C.^{t}	0. 7. 0.
Ballance due	6.13. 0.
	£7. 0. 0.

D.^{r} William Raisin, late Sheriff of Kent County.

To Ballance due for Ordinary Licences granted in the Year 1756	35.14. 2.

D.^{r} William Allen, Sheriff of Somerset County.

To List of Ordinary Licences 1756	21.11. 8.

C.^{r}

By Commission @ 5. ℘. C.^{t}	1. 1. 7.
Ballance due	20.10. 1.
	£21.11. 8.

D.^{r} Hercules Coutts, Sheriff of Kent County.

To Daniel Clarks Licences, granted in Nov.^{r} Court 1756.	2.12. 6.

C.^{r}

By Commission at 5. ℘. C.^{t}	0. 2. 7½.
Ballance due	2. 9.10½.
	£2.12. 6.

D.^{r} Edward Veazey, late Sheriff of Cæcil County.

To List of Ordinary Licences 1752: £45.0.0. Commission £2.5.0	42.15. 0.
To D.^{o} 1753. £58.19.2. Commission £2.18.11½	56. 0. 2½.
To ditto 1754: £42.16.8. Commission £2.2.10.	40.13.10.
	£139. 9. 0½

C.^{r}

1753.	
Apr. 18. By Money paid	40. 7. 6.
1754.	
May 22.^{d} By Ditto	47.10. 0.
Oct.^{r} 17. By Ditto	39.18. 0.
Ballance due	11.13. 6½
	£139. 9. 0½

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D.^{r} William Hedges Sheriff of Cæcil County.

To List of Ord.^{y} Licences 1755. £58.10.0, Com. 2.18.0½	55. 2. 9½
To D.^{o} 1756: £52.5.0. Com. 2.12.3	49.12. 9.
	£104.15. 6½

C.^{r}

1756.	
Sep.^{r} 19. By Money paid	55.10. 3½
Ballance due	49. 5. 3
	£104.15. 6½

p. 166 Your Committee find the Accounts of the Sheriffs, Trippe, Porter, and Bradford are not credited for any Monies paid the Commissioners, but stand in the same State, and Condition they were reported last October Session.

Your Committee also report that they have examined the Accounts of Messieurs William Hunt, and John Hanbury, who are appointed, and entrusted with the Management of that Part of the Trust, directed by the Act to be transacted in London, and do find that by the last Account transmitted to the Comm.^{rs} of the Paper Currency, by the Trustees bearing date the 6.th Day of May 1755, they had to that Time received, and laid out 27,335. in the Purchase of 19,500. Capital Bank Stock, but your Committee beg leave to observe, that by the Copy of the Certificate, or Attestation hereunto annexed, which accompanied the last Accounts rendered it does not appear, that the Purchase had been made, or that the Trustees had procured the same to be entred in the Books of the Company to be for the Use, and in Trust for the Province of Maryland, therefore conceive such Certificate or Attestation, not a proper Testimonial from the Bank of Entries, and Transfers as the Law requires should be yearly laid before both Houses of Assembly.

Your Committee further observe that by the List of Entries made by Stephen Bordley Esquire, Naval Officer for Port Annapolis, it appears, that on the 29.th Day of April 1756. there was imported in the Ship Greyhound, Captain Alex:^{r} Steuart seventy five Convicts, and that on the first Day of September 1756. there was imported in the Ship Lyon James Dyer, ninety one Convicts to serve for seven Years, and upwards, that upon Clearance of the Ship Greyhound Captain Scott, then Master of said Ship refused to pay any Duty for the 75. Convicts imported by said Steuart in said Ship, and that Captain Dyer refused to pay any Duty for the ninety one Convicts to serve for seven Years, and upwards, and by the Account of

Richard Lee Esq.^{r} Naval Officer of Potowmack it likewise appears U. H. J.
that the Snow Tryal William M.^{c}Gaghin Master, entred in the said Liber No. 35
Port of Potowmack, ninety one Convicts, and cleared out thence April 29
without paying the Duty of twenty Shillings Currency ꝑ. Head on the same ninety one Convicts, and it also appears by said List of Entries, in said Port of Annapolis that during the Course of last Year's Importation, and since the 29.th of April 1756, sundry Persons paid to the said Naval Officer of Port Annapolis, the Duty of twenty Shillings ꝑ. Head, on Convicts, and Convicts to serve for 7. Years upwards, and we submit it whether the said Naval Officers, ought not to have collected the Duty of twenty Shillings Currency ꝑ. Head, on the Convicts and Servants imported as aforesaid.

Your Committee likewise observe, that no Account hath been rendred or Money paid by the Naval Officer of Patuxent from the p. 167
14.th Day of March 1755. to 29.th September thereafter.

All which is submitted to the Consideration of both Houses of Assembly.

Bened.^{t} Calvert
John Henry
M.^{l} Earle
Josi. Bealle
John Bracco
Rob.^{t} Lloyd
Alex.^{r} Williamson
John Paca

N. B. No Money hath been paid into the Office by any Person in Discharge of the Money said to be in the Hands of the Widow of William Rumsey, late of Cecil County deceased by the Report in Oct.^{r} Session 1756.

Benjamin Bonnet of London, Notary Public by Royal Authority duly admitted, and sworn, do hereby certifie, and attest unto all whom it may concern, that on the Day of the Date hereof I went to the Transfer Office of Stock of and in the Capital Stock of the Bank of England, and there applying to one of the Clerks belonging to that Office he exhibited to me a Leidger marked (R) wherein at Folio (701.) I saw and read the Account of William Hunt and John Hanbury both of London Esq.^{rs} wherein they are credited in their joint Names for nineteen thousand five hundred Pounds Stock, of and in the Capital Stock of the Bank of England aforesaid, which I attest for Truth, and have granted this Act thereof, under my Notarial Seal in London 7. Day of May 1755.

In Testimonium Veritatis
SEAL
Ben: Bonnet: Not: Pub.
1755.

U. H. J. Liber No. 35 April 29 Maryland ss.

At a Committee of both Houses of Assembly appointed to inspect the Office, and Proceedings of the Commissioners for emitting Bills of Credit, established by Act of Assembly, April 12.th 1757:

were present

The honble Benedict Calvert Esq.r of the Upper House.

M.r John Henry, M.r Michael Earle, M.r Josiah Bealle, M.r John Bracco, M.r Rob.t Lloyd, M.r Alexander Williamson, and M.r Jn.o Paca.

Who make Choice of, and appoint the honourable Benedict Calvert p. 168 Esq:r Chairman and Richard Dorsey their Clerk, and proceed to make the following Report. viz.t

Your Committee find that there remains of the £34015.6.0 struck and emitted by the Act for his Majesty's Service past in May Session 1756. a Ballance in the Iron Chest N.o 2. of 15,389.1.4. and £3979.-10.0. whereof is appropriated as a Reward for Scalps, and not yet applied, and the further Sum of £939.1.14. remains to be drawn for by the Agents, on the Act for his Majesty's Service past in October 1756. We also find that there hath been paid into the Office, on the several Funds raised by the £40,000: Act. towards replacing the Sum of £5984.14.0. borrowed by the Public by that Act, the Sum of 1493.2.1½. as ℔. the following Accounts, which leaves a Ballance still to be replaced of £4491.11.10½.

An Account of the Duties paid to the Commissioners of the Loan Office, on the 40,000. Act to the 14. Day of April 1757. inclusive.

U. H. J.
Liber No. 35
April 29

p. 169

	Excise on Liquors.	Tax on Batch.rs	Tax on Bill.d Ta.	Duty on Horses.	Land Tax.	Duty on Writs &c.	Duty on Negroes.	Duty on Pitch Tar & Turpent.
By Richard Fendall Cl. of Charles County for the Duty on Writs &c. to 25. July 1756....	....	....	....	....	....	6. 0. 5.	....	....
By Jos: Simm Cl. of P: Geo: County for D.° to 25. July 1756. & 25. February 1757........	....	....	....	....	....	28.15. 3¼.	....	....
By John Brice Cl. of Ann Arundel County for D.° to 26. of July, and 25. of February 1757.	....	....	....	....	....	38.11. 4.	....	....
By James Smith Cl. of Kent County for ditto, to 25. July 1756. and 25. February 1757..	....	....	....	....	....	28.14. 4½.	....	....
By W.m Sligh Cl. of the Provincial Court for D.° to 25. of July 1756.	....	....	....	....	....	3.10. 2.	....	....
By Richard Tilghman Cl. of Queen Ann's County for ditto to 25. of July 1756:.........	....	....	....	....	....	7. 7. 3.	....	....
By Thomas Hayward jun.r Cl: of Somerset County for ditto to 25. of July 1756. & 25.th of February 1757..........	....	....	....	....	....	21.12. 9.	....	....
By William Ireland Cl. of Calvert County for ditto to same Times	....	....	....	....	....	10. 1. 4½.	....	....

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April 29

	Excise on Liquors.	Tax on Batch.^{rs}	Tax on Bill.^{d} Ta.	Duty on Horses.	Land Tax.	Duty on Writs &c.	Duty on Negroes.	Duty on Pitch Tar, & Turpent.
By Henry Johnson Cl. of Worcester County, for the Duty on Writs &^{c} to 25. July 1756...	....	....	....	....	....	5.17. 0.	....	....
By John Caile Cl. of Dorchester County for ditto, to same time	....	....	....	....	....	5.17. 6.	....	....
By John Ross Reg.^{r} of the Court of Chancery for D.^{o} to 25. ffeb: 1757.............	....	....	....	....	....	2.12. 8.	....	....
By Francis Key Cl. of Cecil County for D.^{o} to 23. March 1757.	....	....	....	....	....	25. 1. 2.	....	....
By John Darnall Cl. of Fred.^{k} County for ditto to 20. Feb: 1757.	....	....	....	....	....	26.13. $9\frac{3}{4}$.	....	....
By Jn.^{o} Smith of Calvert County for the Excise on Liquors to 25. of March 1757. and half Year's Land tax to 29. Sep.^{r} 1756.	63.16.11.	....	....	....	26. 7.11.	....	....	....
By Jacob Hindman of Talbot County for Excise of Liquors to 15. October 1756. & Tax on Batchellors in same Year.....	45. 2. 8.	24.14. 0.	....	....	....	....	....	....

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	Excise on Liquors.	Tax on Batch.^{rs}	Tax on Bill.^{d} Ta.	Duty on Horses.	Land Tax.	Duty on Writs &c.	Duty on Negroes.	Duty on Pitch Tar & Turpent.
By Charles Dickinson of Dorchester County for the Tax on Batchellors in 1756. and Excise on Liquors to 15. of Oct.^{r} in same Year..............	55.18.11.	31.16. 0.	....	....	....	....	....	....
By William Allen of Somerset County for the Excise on Liquors to 28. Sep.^{r} 1756. and Tax on Batch.^{rs} in same Year..	37. 0. 6½.	29. 4. 3.	....	....	....	....	....	....
By Charles Christie of Baltimore, for the Excise on Liquors, and ½. Years Land tax to 29: Sep.^{r} 1756. & also for Tax on Batch.^{rs} in same Year.....	71.11. 0.	42.10. 3.	....	....	....	....	....	....
p. 170 By Geoge Dent of Cha.^{s} Coty. for the Excise on Liquors to 21.st of October 1756. and Tax on Batch.^{rs} in same Year......	2.12. 3.	53.13. 6.	....	....	....	....	....	....
By John Raitt of Ann Arundell County for the Tax on Billiard Tables 1756: Excise on Liquors to 25: March 1757. and half Years Land tax to 29: Sep.^{r} 1756:	250.15. 1½.	58.13. 3.	11.14. 0.	....	87.10.11.	....	....	....

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April 29

	Excise on Liquors.	Tax on Batch.rs	Tax on Bill.d Ta.	Duty on Horses.	Land Tax.	Duty on Writs &c.	Duty on Negroes.	Duty on Pitch Tar & Turpent.
By Colmore Beanes of Prince Georges County for half a Year's Land Tax to 29: Sep.r 1756.	....	....	....	....	75.10. 0.	... .	... .	....
By Meveril Locke of Saint Mary's County for the Excise on Liquors to 24. of February 1757. half Years Land Tax to 29. of Sep.r 1756. and Batchellors Tax in the Year 1756:....	48.14. 8.	23.10. 3.	....	....	56. 0. 7½.	....	....	....
By William Hopper of Queen Ann's County for the Tax on Billiard Tables 1756.........	....	....	5.17. 0.	....	....	....	....	....
By Samuel Bealle of Frederick County for the Excise on Liquors to 24. March 1757. & Tax on Batchellors in the Year 1756:	27.15.11.	13. 6. 0.	....	....	....	....	....	....
By Charles Graham of Calvert County for the Tax on Batch.rs 1756.	....	17.16. 3.	....	....	....	....	....	....
£	593. 8.10.	295. 3. 9.	17.11. 0.	Nil.	376. 3. 7½.	210.15. 1.	Nil.	Nil.

Your Committee observe that the following Cl.^{s} viz.^{t} Beale Bordley Baltimore County, Richard Ward Key of S.^{t} Mary's County, Jn.^{o} Leeds of Talbot County, Michael Macnamara Clerk of the Court of Appeals, and Register of the Prerogative Office, have not returned any Account of the Tax on Stamps, Deeds, Writs, or Appeals, nor paid any Money on those Funds. That Philip Richard Fendall Clerk of Charles County, Richard Tilghman Clerk of Queen Ann's County, Henry Johnson Clk: of Worcester County, John Caile Clerk of Dorchester County, and William Sligh deceased late Clerk of the Provincial Court, have not returned any Amount or paid in any Money on the same Funds, arising due since 25. of July last. That Meveril Locke Sheriff of S.^{t} Mary's County, and John Dennis junior Sheriff of Worcester County have not returned Lists of Batchellors agreeable to Law. That the Vestry of Prince Georges Parish, which lies partly in Frederick and partly in Prince Georges County have not returned the whole List of Batch.^{rs} to the Sheriff of Frederick County, by which Means the Tax on such Batch.^{rs} who live in Prince Georges County hath not been collected. That William Hedges Sheriff of Cæcil County, William Raisin late Sheriff of Kent County, John Dennis jun.^{r} Sheriff of Worcester County have made no Returns of their Account of the Land Tax, or paid any Money for Excise on Liquors, Land Tax, or any other Funds raised by the Act for granting a Supply of £40,000: for his Majesty's Service &c: That William Hopper Sheriff of Queen Ann's County hath not returned any Account, or paid in any Money, on the Tax on Lands, Batchellors, and Excise on Liquors;

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That Jacob Hindman Sheriff of Talbot County hath paid no Money for, or returned any Account of the Land Tax, or Billiard Tables; That Charles Dickinson Sheriff of Dorchester County, and Geo: Dent, late Sheriff of Charles County have not returned an Account of the Land Tax, or paid any Money on that Fund. That William Allen Sheriff of Somerset County hath made no Return, or paid any Money for Land Tax, or Bill^{d}: Tables.

That Turner Wotton late Sheriff of Prince Georges County, hath returned no Account, or paid in any Money arising on the Funds by the Act aforesaid. That Samuel Bealle late Sheriff of Frederick County, hath paid in no Money for, but hath rendred an Account of the Land Tax in that County which is not passed by the Rent Roll Keeper, as ꝑ: Account, and List will more fully appear, a Copy whereof is hereunto annexed:

That the several Collectors, or Receivers of the Land Tax have returned no List or Account of any of his Lordship's Manors, leased, reserved, or demised Lands, nor paid any Money into the Office on the same.

That the Surveyors of Cæcil, Baltimore, Kent, and Dorchester Counties have made Returns of the lands upon Certificates, agreeable

U. H. J. Liber No. 35 April 29 p. 172 to Law, but the Surveyors of the other Counties have made no Returns.

All which is submitted to the Consideration of both Houses of Assembly:

Benedict Calvert
John Henry.
M.^{l} Earle
Josi: Bealle
John Bracco
Rob.^{t} Lloyd
Alex:^{r} Williamson
John Paca.

N. B: M.^{r} John Ross informed your Committee, that in the Accounts of those Sheriffs reported to have made Paym.^{t} on the Land Tax, that his Lordship's Man:^{rs} leased, reserved, or demised Lands is included in their several Accounts, under the Article of Protestant Lands.

D.^{r} The Province of Maryland.

	Acres.
To sundry Lands lying in Frederick County, contain.^{g}...	537500.
	537500.

C.^{r}

	Acres.
By sundry Lands whereon are not any Goods or Chattels, liable to be taken for the Land Tax, known to the Collector of Frederick County and a List whereof is sent to the Collectors of the following Counties, as appears by an Account delivered to the Rent Roll Keeper.	
In Baltimore County.....................	4482.
In Ann Arundel County..................	21100.
In Prince Georges County.................	25954.
In Charles County.......................	10506
By sundry Lands deserted, and sundry Lands held by Persons, not residing in Frederick County, and whereon are not any Goods liable to be taken for the Land, as will appear as aforesaid, containing...........	34400¾
By sundry Lands cultivated and held by Persons, residing in Frederick County, containing.................	441057¼
	537500.

D.^{r}

p. 173

	£. s. d.
To Commission, on £121.10.12½. at 10. ꝑ. Cent, is...	12. 3. 1
To Ballance due.............................	109.17.10½
	£121.10.11½

U. H. J.
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Contra	C.^{r}	£. s. d.
By a half Year's Tax ending last Michaelmas on	Ac.^{s} land. 395919¼. at 6.d ꝑ: 100	93.19. 7.
By Ditto on land held by Papists, or reputed Papists containing.....	45138. at 1/: d.^{o}	22.11. 4½.
	441057¼.	£121.10.11½

March 28. 1757. Errors excepted by Samuel Bealle

Memorandum The above Account is to the best of my Knowledge just and true but must leave it to the Determination of the Commissioners of the Paper Office whether the Allowances, are to be made for the Lands as there stated.

J Ross for Edward Lloyd.

Adjourned 'till to Morrow Morning ten of the Clock

Saturday Morning 30: of April 1757. April 30

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House of Assembly by Messieurs Henry and Carroll intituled, An Act for the more immediate Defence and Security of the Inhabitants, on the Western Frontiers of this Province thus endorsed.

By the Lower House of Assembly 30. April 1757.

Read the first and second Time by an especial Order and will pass.

Signed ꝑ. Order. M Macnemara Cl. Lo: Ho:

Read the first Time in this House and ordered to lye on the table

Adjourned till to Morrow Morning ten of the Clock

Monday Morning 2.^{d} May 1757. May 2

Present

The honourable	Benjamin Tasker Esq.^{r}	Richard Lee Esquire
	Col: Edward Lloyd	&
	Col: Benjamin Tasker	Benedict Calvert Esq.^{r}

Adjourned 'till three of the Clock in the Afternoon

U. H. J.
Liber No. 35
May 2

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning.

Read the second Time the Bill intituled, An Act for the more immediate Defence, and Security of the Inhabitants on the Western p. 174 Frontier of this Province, and with the Amendments. proposed in a Schedule herewith sent will pass, and sent to the Lower House of Assembly by Richard Lee Esq.r

By the Upper House of Assembly 2.d of May 1757.

Page 1.st In the Title after the Word for, insert his Majesty's Service, and

Page 1.st L. 3. After the Word Allies insert, and to act in Conjunction, with such Forces as shall be supported by the neighbouring Colonies, or such regular Troops, as are or shall be ordered to these Parts of his Majesty's Dominions, for the Protection of his liege Subjects and Annoyance of his Enemies.

Page 1: L: 8: After the Word unexpended, insert, and also the Sum of 3000.£ which by the aforesaid Act was granted and appropriated for engaging the Assistance, and cultivating the Friendship of the southern Tribes of Indians.

Page 1. L: 9: & 10: As often as the Word three, occurs in the 9.th and 10.th Lines, insert the Word five, instead of the Word sixth, in the tenth Line, insert the Word ten, and instead of the Word twelve, which occurs twice, in the same Line insert the Word twenty.

Page 1: L: 11: Leave out the Word and after the Word Frederick, and insert, and at such othér Place, and places, as the Officer appointed by the Earl of Loudoun to command the Troops that may be employed in these Parts, shall think fit, and to

Page 1. L: 17: Instead of the Words, to a Surgeon, six Shillings ꝑ: Day, put, to two Surgeons six Shillings a Day each.

Page 1: L: 19. After the Word Stores, insert, and Muster's, and instead of the Words seven Shillings and six Pence in the same line, insert, ten Shillings, and six Pence.

Page 1: L: 20: Leave out the Words of Stores.

Page 1: L. 24: Instead of the Words of the Fort aforesaid, insert, at Fort Frederick.

Page 1: L: 25: Instead of the Words of the aforesaid three hundred Men, insert, of the Men that shall be left under his Command.

Page 2.d L. 2. After the Word require, add the following Words, And Be it Enacted by the Authority aforesaid that the Number to be left at the said Fort, shall never be less than two hundred effective Men, after the said five Companies shall be compleat, and 'till they can be compleated, as many of the Men that may be in the Pay of this Province, shall be reserved, or left for the Defence of the Fort, and to range near the Frontier Settlements for the Protection of the Inhabitants, as his Excellency Horatio Sharpe Esq.[r] or the Governor or Commander in Chief of this Province for the Time being shall think necessary, & order

U. H. J.
Liber No. 35
May 2

Page 2 : L : 6 : Instead of the Word eight, put eighteen.

Page 2 : L : 6 : After the Word Captains insert the following, Subalterns, or other Persons that shall be employed to raise Men for the Service aforesaid.

Page 2 : L : 10 : After the Words Use aforesaid, Leave out to the Words Receipts, in the twenty fifth Line, and insert the following, And Be it further Enacted by the Authority aforesaid, that the Officers, or Persons who may be employed to raise Men for the Purpose aforesaid, shall return to the Agents aforesaid the Receipts of such Men as they shall enlist for the Bounty Money paid to them respectively, and the Agents are not to allow or pass any recruiting Accounts, for the Justness of which such Receipts, are not returned as Vouchers, and to prevent the Embezzlement of any Money that is, or shall be allowed for the Pay of the Troops aforesaid, Be it Enacted that the several Companies, shall be mustred Monthly while they remain in the Province, and once in every two Months in Case the Officer appointed by the Earl of Loudoun to command the Forces that shall be raised or employed in these Parts p. 175 for his Majesty's Service, and the Defence of these Colonies should march any of them out of the Province, and 'till such Muster Rolls, are returned to and received by the Governor, or Commander in Chief of this Province for the Time being and Duplicates thereof by the Agents appointed by this Act, the said Agents are not to advance, or remit any Sum, or Sums of Money for the Pay of the said Companies or Company whose Muster Roll may be wanting and for the more effectual preventing of Fraud, and deceit in the mustering of Soldiers, in the Pay of this Province, Be it Enacted by the Authority aforesaid that the Muster Rolls shall be made out agreeable to the Form used by Order of his Majesty in the British Forces, and as soon as possible after any Muster shall be made had, or taken by the Commissary he shall make Oath before one of his Lordship's Justices of the Peace in manner and Form following, viz.[t] I, A B. do sweare that I saw at the time of making the within Muster such Men as are borne, on the Muster Roll, and for which no signed Certificates are indorsed on the Back of the Roll, certifying their being absent from the Muster by reason of their being employed on Detachment, or other Duty, or by being sick, in Prison, on Furlough, dead, deserted, or discharged and the Justice is hereby directed, and required to sign a Probate on the Back of each Muster Roll of the

U. H. J. Liber No. 35 May 2 Commissary's having made such Oath, and for every Neglect in the Commissary to make out such Muster Rolls, and to make such Oath he shall forfeit the Sum of fifty Pounds Current Money and when it shall happen to be out of the Power of the Captain or Officer, commanding any Company to make the whole Company appear before the Commissary, on Account of the Company's being divided and posted at different Places, or ranging in different Parts then and in such Case the Commissary is to distinguish the names of such as are absent, at the Time of taking the Muster and to require Certificates of the Officer commanding the Company, in which Certificates shall be expressed, or specified the Reason of such Officer or Soldiers being absent, whether he be on Detachment, or other Duty, sick, recruiting or on ffurlough and how long he has been absent on such Account, and if any Soldier shall have died deserted or enlisted, or have been discharged since the last Muster, then opposite to their Names shall be notified, and it shall be specified in the said Certificates, when they died, deserted, enlisted, or were discharged respectively, and 'till the Captain, or Officer commanding the Company shall have given such particular Certificates as are above mentioned the Commissary is not to enter in the Roll the Names of any Officers, or Men besides such as actually muster and appear before him, and to deter the Officers from giving false Certificates. Be it further Enacted by the Authority aforesaid that all Certificates shall be returned to the Agents, with the Muster Rolls and if any Officer shall make, or give, or procure to be made or given, any false or untrue Certificates such Officer shall upon the Oaths of two Witnesses be forthwith cashiered; and for every such Offence, shall forfeit the Sum of one hundred Pounds Currency, and be moreover disabled to have or hold any military or civil Office, within this Province. And be it further Enacted that the Commissioners shall always close the Muster Roll of each Company upon the Place where & the Day when the Muster is taken, and the two eldest Officers of the Company if so many shall be present shall with the Commissary subscribe the said Muster Rolls, and if the Commissary, or any Officer shall wittingly, or willingly sign, a false or untrue Muster Roll; they and each of them shall for such Offence upon proof made, thereof by two Witnesses forfeit the Sum of one hundred Pounds Currency, and be rendred incapable of holding any military, or civil Office or Employment within this Province, and if any Officer p. 176 having received a Soldier's Pay shall detain, or withold the same, or any Part thereof by the Space of a Fortnight after such Pay shall be by him, received, unless such Soldier shall be on Furlough, and then if the Officer detains it a Week, after the Expiration of the Fortnight, and Return of the Soldier to his Duty, such Officer so offending shall upon Proof made thereof before a General Court Martial forfeit fifty Pounds Current Money, and be cashiered, and if the Informer be a Soldier and demand a Discharge he shall be thereupon discharged from any further Service. And Be it Enacted by the Authority aforesaid that all the Receipts, Muster Rolls, and Certificates which shall be returned to the Agents agreeable to this Act.

U. H. J. Liber No. 35 May 2

Page 4: L: 5. Instead of three put five.

Page 5. L: 7: Instead of three put five.

Page 6: L: 9: After the Words, Act for, insert his Majesty's Service, and

In the ninth Line of the last Page instead of three insert five, leave out what follows the Word shall in the same Line to the Word be in the last Line.

Insert the following Clauses at the End of the Bill.

And Be it further Enacted that such Parts of the Act first herein mentioned, as relate to the granting a Sum not exceeding three thousand Pounds, to be laid out and employed in gaining the Assistance and cultivating the Friendship of the southern Tribes of Indians, and defraying the Expences of two Commissioners to be sent from this Province to treat with the same, in Conjunction with the Commissioners of Pensilvania, Virginia, and North Carolina, or any of them and appointing the said Commissioners, shall be and are hereby utterly repealed and made void:

And Whereas the Officers who command the Companies that have been already raised, and are now on the Frontiers, cannot be for sometime apprized of the Directions given by this Act concerning the Form and Manner of making out Muster Rolls, producing Receipts, and Certificates shall not take Place, or be deemed in Force with respect to them, 'till the next Muster after the tenth Day of this Instant May.

Signed ꝑ. Order J Ross: Cl. Upp: Ho:

Read the second Time the Bill, intituled, An Act for the Relief of sundry Inhabitants of this Province who have had their Servants enlisted into his Majesty's Service, passed and sent to the Lower House of Assembly by Benedict Calvert Esq.^{r}

Adjourned 'till to Morrow Morning ten of the Clock.

Tuesday Morning 3.^{d} of May 1757.

May 3

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

U. H. J.
Liber No. 35
May 3 Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning ten of the Clock

May 4 Wednesday Morning 4: May 1757.

This House met again according to Adjournment.

Present as Yesterday.

A Bill from the Lower House by Messieurs Gassaway and Tolly, p. 177 intituled, An Act for the Relief of certain languishing Prisoners, in the several County Goals therein mentioned thus endorsed.

By the Lower House of Assembly 2.^{d} May 1757.

Read the first Time and ordered to lye on the Table.

Signed ꝑ Order M Macnemara Cl. Lo: Ho:

By the Lower House of Assembly 4: of May 1757.

Read the second Time, and will pass.

Signed ꝑ. Order. M Macnemara Cl. Lo. Ho:

A Bill by Messieurs Goldsborough and others, intituled, An Act for his Majesty's Service and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, thus endorsed.

By the Lower House of Assembly 4: May 1757.

Read the first and second Time by an especial Order and will pass.

Signed ꝑ. Order. M Macnemara Cl. Lo: Ho:

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning

Adjourned 'till to Morrow Morning 10: of the Clock

May 5 Thursday Morning 5: May 1757:

This House met again according to Adjournment.

Present as Yesterday and Colonel Henry.

Read the first and second time by an especial Order the Bill, intituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this

Province, and the Bill, entituled, An Act for the Relief of certain languishing Prisoners in the several County Goals therein mentioned, passed, and sent to the Lower House of Assembly by Richard Lee Esquire.

U. H. J. Liber No. 35 May 5

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning.

A Bill by Messieurs Tilghman and Gray, entituled, An Act to prevent the Exportation or carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind towards supplying the French, or their Allies, thus endorsed.

By the Lower House of Assembly 5.th of May 1757.

Read the first and second time by an especial Order and will pass.

Signed ꝑ. Order. M Macnemara Cl. Lo: Ho:

Read the first Time in this House, and ordered to lye on the Table.

A Message from the Lower House of Assembly by Messieurs Reynolds and Sprigg.

By the Lower House of Assembly 5.th May 1757:

May it please your Honors

This House doth propose that the Sum of one hundred Pound's Current Money should be paid to the Governor by the Treasurer of the Eastern Shore to be delivered as a Present to the Indians said to be now at Fort Frederick, and desire your Honor's Concurrence, to an Ordinance for the Payment of that Sum by the said Treasurer. p. 178

Signed ꝑ. Order: M Macnemara Cl: Lo: Ho:

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 6. May 1757. May 6

This House met again according to Adjournment

Present as Yesterday (except Richard Lee Esq:r)

The following Message is sent to the Lower House of Assembly by Benedict Calvert Esq:r

By the Upper House of Assembly 6: May 1757.

Gentlemen

In Answer to your Message of Yesterday by Messieurs Reynolds and Sprigg, This House agrees to an Ordinance, impowering the Treasurer of the Eastern Shore to pay one hundred Pounds Current

U. H. J. Liber No. 35 May 6 Money to be delivered as a Present to the Indians now at Fort Frederic

Signed ꝑ. Order. J Ross. Cl: Up Ho:

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning.

An Ordinance from the Lower House of Assembly by Mess.rs Williamson and Worthington

An Ordinance

For the Encouragement of the Indians now at Fort Frederick to range on the Western Frontier of this Province, it is ordained by his Excellency the Governor, and the upper and Lower Houses of Assembly, that Colonel Edward Lloyd Treasurer of the Eastern Shore of this Province shall pay to his Excellency the Governor, or to his Order the Sum of one hundred Pounds Current Money, out of the public Money now in his Hands to be by his Excellency laid out and disposed of as a Present to the Indians now at Fort Frederick, in such Goods as he shall think most proper.

6.th May 1757: Read and assented to by the Lower House of Assembly

signed ꝑ. Order. H. Hooper Speaker.

6.th May 1757. Read and assented to by the Upper House of Assembly.

signed ꝑ. Order. Ben: Tasker, President

A Bill from the Lower House of Assembly by Mess.rs Bracco, and Bealle, entituled, An Act for the speedy Payment of sundry Persons therein mentioned, thus endorsed.

By the Lower House of Assembly 6. of May 1757.

Read the first and second time by an especial Order and will pass.

Signed ꝑ. Order. M Macnemara Cl. Lo. Ho:

Read the first time in this House, and ordered to lie on the Table.

The Journal Accounts is brought from the Lower House of Assembly by M.r John Goldsborough and two more thus subscribed.

p. 179 Read and assented to by the Lower House of Assembly.

Signed ꝑ. Order. M Macnemara Cl: Lo: Ho:

The following Message with the Journal of Accounts, is sent to the Lower House of Assembly by Col: Rob.t Jenckins Henry.

Gentlemen

Upon Perusal of the Journal of Accounts, we dont find any Allowance is made to M.r John Ross, for his yearly Salary as

Clerk of the Council, nor for three Days Attendance to him as Clerk of the Upper House of Assembly when it was expected the Assembly would meet in March last, which Allowance is made to your Clerk, neither is the Allowance made to M.^{r} Buchannan for the Use of a Room for the upper House of Assembly sufficient we therefore propose that the Sum of six Pounds be made to M.^{r} Buchanan, and the Allowance aforementioned be made to M.^{r} Ross, which being done the Journal will pass.

Signed ꝑ. Order. J. Ross Cl. upp. Ho:

Two engrossed Bills from the Lower House of Assembly, by Mess.^{rs} Hynson and Gray viz.^{t} An Act for the Relief of sundry Inhabitants of this Province, who have had their Servants enlisted into his Majesty's Service:—An Act for the Relief of certain languishing Prisoners in the several County Goals therein mentioned, thus subscribed.

6.th May 1757.

Read and assented to by the Lower House of Assembly.

Signed ꝑ. Order: M Macnemara Cl. Lo: Ho:

Read and assented to by this House, and ordered to be so subscribed.

Adjourned 'till to Morrow Morning ten of the Clock.

Saturday Morning 7:th May 1757.

May 7

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem.

Read the second Time, the Bill entituled, An Act to prevent the Exportation, or carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any kind towards supplying the French or their Allies; will pass, the Proviso in the last Page of the Bill being left out. likewise the Bill, entituled, An Act for the speedy Payment of sundry Persons therein mentioned passed, and sent to the Lower House of Assembly by Benedict Calvert Esq:^{r}

Two engrossed Bills from the Lower House of Assembly by Messieurs Reynolds and Govane entituled, An Act for the speedy Payment of sundry Persons therein mentioned. An Act to prevent the Exportation, or carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any kind towards supplying the French, or their Allies, thus subscribed

U. H. J.
Liber No. 35
May 7
p. 180

7.th May 1757:

Read and assented to by the Lower House of Assembly.

Signed ꝑ: Order. M Macnemara Cl. Lo: Ho:

Read and assented to by this House, and ordered to be so subscribed:

Adjourned 'till Monday Morning ten of the Clock

May 9

Monday Morning 9.th May 1757:

This House met again according to Adjournment

Present

The honble Col: Edward Lloyd, Col: Benjamin Tasker, Benedict Calvert Esq.r, Col: Rob.t Jenckins Henry

The several Paper Bills, the Originals of which have passed both Houses this Session are sent to the Lower House by Col: Benjamin Tasker.

Colo: Benjamin Tasker, and Benedict Calvert Esq.r are sent to the Lower House to acquaint the Speaker, that his Excellency requires his immediate Attendance, with the Lower House in the Upper House to see the Bills passed both Houses this Session receive the Assent.

The Lower House attend, and by their Speaker present to his Excellency the following Bills.

An Act for his Majesty's Service, and the more immediate Protection and Defence of the Frontier Inhabitants of this Province.

An Act continuing, an Act, entitled, An Act for the Advancement of Justice.

An Act continuing an Act, entituled, An Act for relieving the Inhabitants of this Province from some Aggrievances, in the Prosecution of Suits at Law, and for continuing the supplementary Act thereto.

An Act continuing an Act, entituled, An Act to remedy some Evils relating to Servants.

An Act continuing an Act, entituled, a supplementary Act, to the Act, entituled, An Act ascertaining the Heighth of Fences, to prevent the Evil occasioned by the Multitude of Horses & restraining Horse-Rangers within this Province, and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses, Mares, and Colts that run in the Woods,

An Act continuing an Act, entituled, An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar Turpentine, and Tare of Barrels for Flour or Bread.

An Act continuing an Act, entituled, An Act to impower the Justices of the several County Courts to make Provision for the late Inhabitants of Nova Scotia, and for regulating their Conduct. U. H. J. Liber No. 35 May 9

An Act continuing an Act, entituled, a supplementary Act to the Act entituled, an Act for the Relief of Creditors in England against Bankrupts who have imported Goods into this Province not accounted for.

An Act continuing an Act, entituled, An Act to prevent Masters of Ships and Vessels from clandestinely carrying Servants or Slaves or Persons indebted out of this Province.

An Act continuing an Act, entituled, An Act to prevent Persons from secreting Boats, Flats, and other Vessels, drove by Stress of Weather or otherwise from their Landings or Moorings.

An Act continuing an Act, entituled, An Act for the speedy Recovery of small Debts out of Court before one Justice of the Peace.

An Act for leasing out Part of the Prison Land in Dorchester County.

An Act for Relief of sundry Inhabitants of Allhallow's-Parish in Worcester County. p. 181

An Act for the Relief of sundry Inhabitants of this Province who have had their Servants enlisted into his Majesty's Service.

An Act for the Relief of certain languishing Prisoners in the several County Goals therein ment:^d

An Act to prevent the Exportation, or carrying out of this Province, Ammunition, Warlike-Stores, or Provisions of any Kind towards supplying the French or their Allies.

All which his Excellency passed into Laws in the usual Form by sealing them with the Right Honourable, the Lord Proprietary his great Seal at Arms, and subscribing them on Behalf of the Right Honourable the Lord Proprietary of this Province, I will this be a Law.

After which his Excellency was pleased to conclude this Session with the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly.

I have thought fit with the Advice of his Lordship's Council of State to prorogue this Assembly to Tuesday the 23:^d Day of August next, you are therefore to take Notice that you are prorogued to that Day accordingly.

Thus ends this Session of Assembly begun and held at Baltimore Town in Baltimore County on Friday the 8.^th Day of April ending the 9.^th Day of May following, in the seventh Year of his Lordship's Dominion, and in the thirtieth Year of his Majesty's Reign, Annoque Domini 1757:

J. Ross: Cl. Upp. Ho:

PROCEEDINGS

OF THE

LOWER HOUSE OF ASSEMBLY

L. H. J.
Liber No. 48
1757,
April 8
p. 375

Maryland S.^{at}

At a Session of Assembly held at Baltimore-Town, in Baltimore County, in the Province aforesaid, on Friday the Eighth Day of April, in the Year One Thousand Seven Hundred and Fifty-seven, in the Sixth Year of the Dominion of the Right Honourable Frederick, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c: (his Excellency Horatio Sharpe, Esq; being Governor), the following Delegates appeared in the Lower House of Assembly, viz.

The Honourable Alexander Williamson, Esq; Speaker;

For Kent County,
Major William Hynson,
Mr. Hugh Wallis,
Mr. Richard Gresham.

For Anne-Arundel County,
Philip Hammond, Esq;
Capt. John Gassaway,
Mr. Charles Carroll,
Mr. Brice T. B. Worthington.

For Charles County,
Capt. Dan. of St. Tho. Jenifer,
Capt. John Jordan.

For Somerset County,
Mr. Henry Waggaman,
Mr. Levin Gale.

For Talbot County,
Mr. Matthew Tilghman.

For Baltimore County,
Mr. John Paca,
Capt. Walter Tolley,
Mr. William Govane.

For Cæcil County,
Major Nicholas Hyland,
Mr. Michael Earle,
Capt. Henry Baker,
Capt. Henry Ward.

For Prince-George's County,
Mr. William Murdock,
Mr. George Fraser.

For the City of Annapolis,
Mr. Walter Dulany.

For Queen-Anne's County,
Mr. Robert Lloyd,
Col. Edward Tilghman,
Mr. John Bracco.

For Worcester County,
Col. John Scarborough,
Col. John Henry,
Mr. Benjamin Handy.

For Frederick County,
Capt. Joseph Chapline.

A sufficient Number of Delegates, to compose a Lower House of Assembly, having met at the House of Mr. Thomas Sligh, in Baltimore-Town, in the County aforesaid:

Ordered, That Col. Tilghman and Col. Henry do acquaint his Excellency the Governor therewith. L. H. J. Liber No. 48 April 8

Col. Hammond and Col. Lloyd, from the Upper House, acquaint Mr. Speaker, That the Governor requires the Members of the Lower House to attend him immediately in the Upper House.

Mr. Speaker left the Chair, and (with the Rest of the Members of the Lower House) attended the Governor in the Upper House; where his Excellency made the following Speech, viz.

Gentlemen of the Upper and Lower Houses of Assembly,

[This speech printed in full in the Upper House Journal pp. 3-5]

The house Adjourns till 2. of the Clock afternoon.

Post Meridiem

The house met according to Adjournment &c.

Ordered that the Rules observed by the Members of this House last Session be observed as Such during this Session.

Resolved, That this House will sit, for the Dispatch of Public Business, during this Session, daily, from nine of the Clock until twelve at Noon, and from Two of the Clock until five Afternoon. p. 378

Ordered, That Mr. Govane do acquaint the Reverend Mr. Thomas Chase, That he is Required by this House to Read Divine Service daily, at a Quarter past Eight of the Clock in the Forenoon, and at five of the Clock Afternoon, during this Session.

On Motion, Ordered, That Mr. Speaker do issue his Warrant, directed to the Deputy-Secretary of this Province, to make out a Writ of Election, directed to the Sheriff of Somerset County, to Elect a Delegate, to serve in the General Assembly, now sitting, in the Room of Capt. John Handy, Deceased: Also, a Writ of Election, directed to the Sheriff of Prince-George's County, to Elect a Delegate, to serve in this present General Assembly, in the Room of Mr. John Hawkins, junior, Deceased: Also, one other Writ of Election, directed to the Sheriff of Talbot County, to Elect a Delegate, to serve in this present General Assembly, in the Room of Mr. James Edge, Deceased.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker a Letter, which was directed to his Excellency the Governor from Col. Thomas Cresap; which inclosed an Advertisement of a certain Daniel Cresap; Indorsed, By the Upper House of Assembly, 8th of April, 1757. Read and Referred to the Consideration of the Lower House of Assembly, which was here Read, and Ordered to lie on the Table.

On Reading his Excellency's Speech, Ordered, That Col. Tilghman, Mr. Hammond, Mr. Carroll, Mr. Murdock, and Mr. Matthew Tilghman, do prepare an Address to his Excellency thereon.

L. H. J. Liber No. 48 April 8 Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker a Petition of John Kirk Patrick; Indorsed, By the Upper House of Assembly, 8th of April, 1757. Read and Referred to the Consideration of the Lower House of Assembly. The said Petition was here Read, and Ordered to lie on the Table.

Col. Tasker, from the Upper House, delivers to Mr. Speaker a Petition of the Justices of Frederick County; Indorsed, By the Upper House of Assembly, 8th of April, 1757. Read and Referred to the Consideration of the Lower House of Assembly which Petition was here Read, and Ordered to lie on the Table.

Ordered, That Mr. William Wilkins, Clerk of the Committee of Grievances and Courts of Justice, be Discharged from his Attendance on that Committee during this Session.

The House adjourns to the House of the Reverend Mr. Thomas Chase, there to meet on the Morrow Morning at 9 of the Clock.

April 9

Saturday, 9th April 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings of Yesterday were Read.

Mr. Beall appeared in the House.

Mr. Hammond brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed. p. 379

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We, his Majesty's most dutiful and loyal Subjects, the Delegates of the Freemen of Maryland, in Assembly convened, beg Leave to return your Excellency our Thanks for your Speech at the Opening of this Session; and to assure your Excellency, that we are so deeply sensible of the many Blessings we enjoy under the paternal Care and Protection of our most Gracious Sovereign, that we need no Arguments to induce us to embrace every Opportunity of promoting his Service to the utmost of our Ability. As the present Posture of Affairs, and advanced Season of the Year, require the greatest Dispatch, we shall immediately take into Consideration, the Minutes, which, by Direction of the Earl of Loudoun, you have been pleased to lay before us; and shall endeavour to do every Thing that may be reasonably expected from us, towards complying with his Lordship's Requisition: And we hope the Unanimity, with which we shall all proceed, will manifest our Zeal for his Majesty's Service, and greatly contribute to the Ease and Safety of the People of this Province.

L. H. J.
Liber No. 48
April 9

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Col. Henry and Capt. Jenifer do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive the same: They return and acquaint Mr. Speaker, That the Governor was pleased to signify, that he would be ready to receive the Address immediately at his House.

Ordered, That Mr. Lloyd, and Three more, do present the Address to his Excellency.

The House adjourns until Monday Morning at 9 of the Clock.

Monday, 11th of April 1757.

April 11

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Gresham.

Mr. John Goldsborough, Mr. Edmondson, Mr. Smith, and Mr. Casson, appeared in the House.

On Motion, Resolved, That the House do proceed to take into Consideration the Subject-Matter, contained in his Excellency the Governor's Speech at Opening this Session, on the Morrow Morning.

The Petition of the Justices of Frederick County, praying to have Leave to Raise the Sum of 150 l. towards compleating a Prison for the said County, and relative to a Provision to be made for maimed and disabled Soldiers and Scouters, &c. Referred from the Upper House to the Consideration of the Lower House, was here Read and Rejected.

On Motion, the House took into Consideration the Letter from Thomas Cresap to his Excellency, and an Advertisement which was Inclosed therein, Signed by Daniel Cresap, Referred from the Upper House to the Consideration of the Lower House; and Ordered, That the same be Indorsed, Read and Rejected.

His Excellency the Governor, communicated to Mr. Speaker the following Answer to the Address of this House, viz.

Gentlemen of the Lower House of Assembly,

p. 380

The Address which you were pleased to present to me, gives me great Satisfaction, as you therein assure me, that you are not insensible of the great Blessings we enjoy under the paternal Care and Protection of our most Gracious Sovereign. And as I trust you will not, on considering the Minutes that lie before you, think the Earl

L. H. J. Liber No. 48 April 11 of Loudoun asks any Thing of you but what is most reasonable, I flatter myself you will cheerfully embrace the Opportunity of Promoting his Majesty's Service that now offers, and in every Respect answer his General's Expectations.

Hor.° Sharpe.

The House adjourns till the Morrow Morning at 9 of the Clock.

April 12

Tuesday, 12th April, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Walter Dulany. The Proceedings were Read.

Col. Hooper, Mr. Gray, and Mr. John Reeder, Jun.r appeared in the House.

On Motion, the House Resolved itself into a Committee of the whole House, to consider the Subject-Matter, contained in the Minutes of the Meeting at Philadelphia, Referred to in his Excellency's Speech.

Mr. Speaker left the Chair.

Mr. Speaker re-assumed the Chair.

Mr. Loyd, Chairman, from the Committee of the whole House, Reported to Mr. Speaker, That the Committee had proceeded to take into Consideration the Matter Referred to them by the Honourable House; but not having had Time to compleat the same, prays Leave of the House that the said Committee may sit again, to proceed further in the said Affair.

On Consideration of the said Report, Resolved, That this House will, on next Thursday, Resolve itself into a Committee of the whole House, to consider further the Subject-Matter contained in the Minutes of the Meeting held at Philadelphia, Referred to in his Excellency's Speech.

On Motion, That an Address be prepared to his Excellency, Requesting him to lay before this House all Papers necessary to inform this House of the Number of Men that have been Inlisted for the Service of this Province, the Time and Terms of their Inlistment respectively, and the Number of Men in Pay at the Tenth Day of April last:

Ordered, That Col. Tilghman, Mr. Hammond, Mr. Murdock, and Mr. Mathew Tilghman, do prepare and bring in an Address accordingly.

On Motion, That an Address be prepared to his Excellency, relative to the latter Part of the Minutes entered into and agreed at the Meeting held at Philadelphia:

L. H. J. Liber No. 48 April 12

Ordered, That Mr. Hammond, Col. Tilghman, Mr. Carroll, Mr. Mathew Tilghman, and Mr. Murdock, do prepare and bring in an Address accordingly.

p. 381 Ordered, That Mr. John Goldsborough, Mr. Waggaman, Mr. Murdock, Capt. Stoddert, Col. Henry, and Mr. Govane, be a Committee of Accounts.

Ordered, That the Gentlemen that were last Session on the Committee of Elections and Priviledges, and on the Committee to Inspect the Arms and Ammunition, and Accounts relating thereto, be continued on those Committees this Session.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

On Motion, Ordered, That Mr. Loyd and Mr. John Goldsborough be a Committee to enquire what Laws will expire if not revived at the End of this Session, and make Report thereof to the House.

On Motion, the House appointed Mr. Walter Dulany, Col. Henry, Mr. Earle, Mr. Beall, Mr. Bracco, Mr. Paca, and Mr. Loyd, a Committee to Inspect the Accounts and Proceedings of the Commissioners and Trustees, for Emitting Bills of Credit, established by Act of Assembly, and make Report thereof to the House.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment &c.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address viz.^{t}

To his Excellency Horatio Sharpe, Esq;^{r} Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency

As this House finds it necessary, for Dispatch of the Business now before them, to be informed of the Number of Men that have been Inlisted for the Service of this Province, and Security of our Western Frontier, the Time and Terms of their Inlistment respectively, and the Number of Men in Pay at the Tenth of April Instant, we request the Favour of your Excellency to cause all Papers necessary to that Information, to be laid before us.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Col. Henry and Col. Tilghman do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where

L. H. J. Liber No. 48 April 12 he will please to receive it: They return and acquaint Mr. Speaker That the Governor was pleased to signify, he would be ready to receive the Address immediately at his own House.

Ordered, That Mr. Waggaman, and Three more, do present the Address to his Excellency.

The following Message

By the Lower House of Assembly, 12th April, 1757.

May it please your Honours,

This House hath appointed Mr. Walter Dulany, Col. Henry, Mr. p. 382 Earle, Mr. Beall, Mr. Bracco, Mr. Paca, and Mr. Loyd, a Committee from this House, to Inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly; and desire your Honours to appoint one or more Members of your House to join in the said Committee.

Signed ꝑ Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House by Col. Henry and Mr. Beall.

His Excellency the Governor communicated to Mr. Speaker the following Message, Viz.t

Gentlemen of the Lower House of Assembly,

In Compliance with your Request, I herewith send you the last Returns that have been made by the Officers at Fort Frederick. I apprehend that the First and Third Companies are at this Time compleat; and I have heard that the Officers of the Second Company also have lately Recruited with pretty good Success.

12 April 1757. Hor.o Sharpe.

Which was Read, and Ordered to lie on the Table.

His Excellency the Governor communicated to Mr. Speaker the following Message:

Gentlemen of the Lower House of Assembly,

I think proper to inform you, that the Virginia Troops, which have been some Time posted at Fort Cumberland, are ordered to leave that Place, and to embark for South-Carolina; and that Capt. Dagworthy is instructed to march, with a Detachment from the Maryland Forces, to Garrison Fort Cumberland, 'til he shall receive further Orders, the Earl of Loudoun having thought that Step necessary, and for his Majesty's Service.

12 April 1757. Hor.o Sharpe.

Which was Read, and Ordered to lie on the Table.

The House adjourns until the Morrow Morning at 9 of the Clock.

April 13 Wednesday, 13th April, 1757.

The House met according to Adjournment, &c.

Mr. Reynolds appeared in the House.

L. H. J.
Liber No. 48
April 13

The Honourable Alexander Williamson, Esquire; Speaker, having Intimated by Letter to the House, That he was greatly Indisposed, and unable to attend the Public Business:

Mr. Loyd and Mr. Gale are ordered to acquaint his Excellency, That the Speaker is Sick, and cannot attend the Public Business.

Col. Loyd, from the Upper House, acquaints the Members of the Lower House, That the Governor requires their Attendance in the Upper House.

The Members of the Lower House accordingly attended his Excellency in the Upper House, where his Excellency required them to return to their House, and choose a Speaker.

The Members of the Lower House accordingly returned, and Unanimously made Choice of Col. Henry Hooper to be their Speaker, and placed him in the Chair.

Ordered, That Col. Tilghman and Mr. Carroll do acquaint the Governor, That this House hath made Choice of a Speaker.

Col. Tasker, from the Upper House, acquaints the Members of the Lower House, That the Governor requires their Attendance, to present their Speaker to him. p. 383

Mr. Speaker left the Chair, and (with the Members of the Lower House) went to the Upper House, where the Members of the Lower House presented their Speaker to his Excellency the Governor; and he Approved the Choice.

Mr. Speaker (with the Members of the Lower House) Returned, and Re-assumed the Chair.

Benedict Calvert, Esq;^r from the Upper House, delivers to Mr. Speaker, the following Message, Viz.^t

By the Upper House of Assembly, 12th April, 1757.

Gentlemen,

This House hath appointed Benedict Calvert, Esq;^r to join the Members named by your House, in a Committee, to Inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office.

Signed ℘ Order, J. Ross, Cl. Up. Ho.

Capt. Jenifer hath Leave of the House to go Home.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Mr. Mathew Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor; which was Read, Approved, and Ordered to be Ingrossed.

L. H. J. Liber No. 48 April 13 Mr. Carroll brings in and delivers Mr. Speaker, the following Ingrossed Address, Viz.[t]

To his Excellency Horatio Sharpe, Esq;[r] Governor and Commander
in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency

In the Minutes of a Plan, formed for the better Defence of his Majesty's Dominions in North-America, and for Annoying his Majesty's Enemies, which you was pleased, at the Opening of this Session, to lay before us, we find the following Paragraph: "And it is further agreed, That we the Governors shall, in our respective Provinces, take particular Care to form such Regulations, and to see them properly executed, that in all Time coming, Carriages for Transporting the Baggage of his Majesty's Troops, shall be prepared at stated reasonable Rates; and that all the Troops, of whatever Denomination, either passing through our Provinces, or while in fixed Quarters therein, shall, in Time of Peace, be properly Quartered; and in Time of War, whatever Number of Troops the Commander in Chief may judge necessary for Defence, or carrying on the general Service, shall be Quartered according to Custom, or the Exigencies of Service." Now, May it please your Excellency, As we do not know of any Statute of England, or any Law of this Province, that impowers you, as Governor thereof, to form such Regulations as are above specified, or any Law, Statute, or Custom, for Quartering Troops of any Denomination whatever within this Province, either in Time of Peace or War, and as we cannot presume
p. 384 your Excellency would, without some Law, Statute, or Custom, to authorize it, enter into such Agreement as is abovementioned, we therefore most humbly Request the Favour of you to lay before us the Law or Statute, or inform us of the Custom by which you are Vested with such Authority.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Capt. Jenifer and Mr. Gale do acquaint his Excellency, That this House hath prepared and Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would be ready to receive the Address immediately at his House.

Ordered, That Mr. Loyd, with Three more, do present the Address to his Excellency.

The House adjourns until the Morrow Morning at 9 of the Clock.

Thursday, 14th April, 1757.

L. H. J. Liber No. 48 April 14

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Motion, Ordered, That the Clerk of this House do bring, from the City of Annapolis, the fair Journal of Proceedings of the Committee appointed for laying the Public Levy, which met at the City of Annapolis aforesaid, on the Third Tuesday of October, in the Year 1756, that the same may be laid before the General Assembly, now sitting.

On Motion, Ordered, That the Deputy-Secretary of this Province, do make out a Transcript of the Proceedings on an Action brought in the Provincial Court, in the Name of the Lord Proprietary, against Richard Porter, late Sheriff of Talbot County: Also, a Transcript of the Proceedings on an Action brought in the Name of the Lord Proprietary, against Benjamin Bradford, late Sheriff of Cecil County, in the Provincial Court aforesaid; for Monies due to the Public for Ordinary Licences and Public Assessments, directed by Act of Assembly to be paid by the said Sheriffs to the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly; and that the said Transcripts be duly authenticated under Seal of the said Provincial Court, and be forthwith transmitted to this House.

On Motion, That an Address be prepared to his Excellency, Requesting him to direct the several Naval Officers of this Province to lay before this House their Accounts of Exports and Imports within their Districts for Six Years last past, to this present Time; and particularly an Account of Servants Indented for Seven Years and upwards, and Imported for a less Time since the Year 1754:

Ordered, That Mr. Carroll, Col. Tilghman, Mr. Hammond, Mr. Mathew Tilghman, and Mr. Murdock, do prepare and bring in an Address accordingly.

Mr. Lloyd brings in and delivers to Mr. Speaker, the following Report, viz.t

By the Committee appointed by the Honourable Lower House of Assembly, to Enquire what Laws will expire at the End of this Session, if not Continued.

April 14,th 1757.

Your Committee find, That the following Acts of Assembly, passed in October Session, 1753, will expire at the End of this Session, if not Continued, Scilt

An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise. p. 385

L. H. J.
Liber No. 48
April 14

An Act for the Advancement of Justice.

An Act continuing an Act, entituled, An Act for the Gauge of Barrels, for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread.

An Act continuing an Act, entituled, An Act to Remedy some Evils relating to Servants.

An Act continuing an Act, entituled, A Supplementary Act to the Act, entituled, An Act ascertaining the Heighth of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers within this Province; and to Redress the great Evil accruing to this Province by the Multitude of useless Horses, Mares, and Colts, that run in the Woods.

An Act continuing an Act, entituled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the Supplementary Act thereto.

An Act to prevent Masters of Ships and Vessels from clandestinely carrying Servants and Slaves, or Persons indebted, out of this Province.

An Act to prevent Persons from secreting Boats, Flats, and other Vessels, drove by Stress of Weather or otherwise from Landings or Moorings.

An Act for the speedy Recovery of small Debts, out of Court, before one Justice of the Peace.

A Supplementary Act to the Act, entituled, An Act for the Relief of Creditors in England against Bankruptcy, who have Imported any Goods into this Province not accounted for.

Your Committee also beg Leave to observe, that the Act passed in February Session, 1756, entituled, An Act to impower the Justices of the several County Courts, to make Provision for the late Inhabitants of Nova-Scotia, and for Regulating their Conduct, commenced at the End of that Session, and has Continuance only for one Year therefrom.

And also, that the Act passed last Session, entituled, An Act for further continuing an Act, entituled, An Act to prevent the Exportation or Carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the French, or their Allies, will expire (unless further Continued) on the Tenth Day of May next.

All which is humbly submitted to the Consideration of your Honourable House.

(Signed ℘ Order,) Thomas Johnson, junior,
Clerk of said Committee.

On Reading the said Report, Ordered, That Bills be prepared and brought in to Revive the several Acts therein mentioned; and that Mr. Hammond, Col. Tilghman, Mr. Bracco, Mr. Murdock, Mr. Lloyd, and Mr. John Goldsborough, do prepare and bring in such Bills accordingly. L. H. J. Liber No. 48 April 14

On Motion, Ordered, That the Clerk of the Paper Currency Office do attend this House immediately, and bring with him the following Papers, viz.ᵗ

1st Copy of the Iron-Chest Account, since closing the Books, as ℘ Report in September Session, 1756.

2d State of the Account on the Act for Encouragement of able bodied Freemen, voluntarily Enlisting in his Majesty's Service, on the Expedition against Cuba, since last Report. p. 386

3d Ditto, on the Act for Purchasing Provisions on Canada Expedition, since last Report.

4th Ditto, on the Act passed for his Majesty's Service, July 1754.

5th What Monies have been paid, and on what Account, by the several Sheriffs, since last Sessions.

6th The several Naval Officers Accounts received since last Reports, and Account of Monies paid in by them.

7th What Principal and Interest Money received into the Office, in Consequence of the late Act for that Purpose, since last Report, and by whom paid.

8th What Clerks have not complied with their Duty, in returning proper Lists of Ordinary Licences, Pedlars Licences, Wheel-Carriages, &c. and Account of Monies paid in on those Funds.

9th Account of Monies paid on the Funds in the £40,000 Act, and by whom paid, and the Accounts relating thereto.

10th The Accounts of Naval-Officers of Patuxent wanting at the last Session.

11th Memorandum of Monies received since last closing the Books, and from whom.

12th The last Accounts of the Trustees in London.

13th Account of what Monies paid on the £40,000 Act, and Others, since last Report, and to whom paid.

Quere.

If the Commissioners have Credited the Accounts of the Sheriffs Trippe, Porter, and Bradford, for Monies paid for Ordinary-Licences and Public Assessments, &c. not accounted for as ℘ Report in September Session, 1756.

If any Money paid in by the Widow of William Rumsey, of Cecil County, Reported last Session.

L. H. J. Liber No. 48 April 14 And that the Clerks of this House do make out a Copy of this Order, and forward it as Public Letters are directed to be sent.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment &:c

All the Members appeared as in the Morning, except Capt. Jenifer.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to His Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Murdock brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.t

To his Excellency Horatio Sharpe, Esq:r Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

p. 387 May it please your Excellency

Having Requested your Excellency in February Session, 1756, to Order the proper Officers to lay before us, with the greatest Dispatch they conveniently could, Accounts of the Imports and Exports of every Kind, agreeable to the Reports made by them for Five Years past, ending at the First Day of January then last past; and if it was inconvenient for them to render such Accounts that Session, that they might be directed to prepare them against the next Meeting of Assembly; we are extremely sorry that the Disregard shewn to the Directions, which we are persuaded were given by your Excellency to those Officers, in not having laid before us such Accounts, should oblige us now to Trouble your Excellency with a Repetition of that Request, and that those Accounts may be brought down to January last.

And we further Request your Excellency would be pleased to Order those Officers immediately to lay before us a particular Account of all Servants Imported since the Commencement of the Duty imposed on Servants, by the Act for his Majesty's Service, made in July, Seventeen Hundred and Fifty-four, distinguishing therein such as were Imported for Seven Years or upwards, from those Imported for a less Time.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Waggaman and Capt. Jordan do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would be ready to receive the Address immediately at his House.

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Liber No. 48
April 14

Ordered, That Mr. Matthew Tilghman, and Three more, do present the Address to the Governor.

On Motion, Leave given, to bring in a Bill For Relief of sundry the Inhabitants of Worcester County: Ordered, That Col. Tilghman and Col. Henry do prepare and bring in a Bill accordingly.

On Motion (the Order of the Day being Read) the House Resolved itself into a Committee of the whole House, to consider further on the Subject-Matter, contained in the Minutes of the Meeting held at Philadelphia, Referred to in the Governor's Speech.

Mr. Speaker left the Chair.

Mr. Speaker re-assumed the Chair.

Mr. Lloyd, Chairman, from the Committee of the whole House, Reported to Mr. Speaker, That the Committee had further proceeded to take into Consideration the Matter Referred to them by the Honourable House; but not having had Time to compleat the same, prays Leave of the House that the said Committee may sit again, to proceed further in the said Affair.

On Consideration of the said Report, Resolved, That this House will, on the Morrow Morning, Resolve itself into a Committee of the whole House, to consider further on the Subject-Matter contained in the Minutes of the Meeting held at Philadelphia, Referred to in the Governor's Speech.

The House adjourns until the Morrow Morning at 9 of the Clock.

Friday, 15th April, 1757.

April 15
p. 388

The House met according to Adjournment, &c.

Major Travers appeared in the House.

His Excellency the Governor communicated to Mr. Speaker the following Message, viz.t

Gentlemen of the Lower House of Assembly,

You herewith receive some Returns that have been made by the Naval-Officers, agreeable to your Request and my Direction. I observe that they have not made out so many as you desired; but, I presume, these will pretty well inform you of the State of our Commerce. I shall Order the Officers to send up the Lists that are wanting, as soon as possible, and to lay before you immediately, particular Accounts of the Servants that have been Imported since the Commencement of the Duty imposed on them by the Act that was made in July, 1754, for his Majesty's Service.

15th April, 1757. Hor.o Sharpe.

Which was Read, and Ordered to lie on the Table.

L. H. J. Liber No. 48 April 15 On Motion (the Order of the Day being Read) the House Resolved itself into a Committee of the whole House, to consider further on the Subject-Matter, contained in the Minutes of the Meeting held at Philadelphia, Referred to in his Excellency the Governor's Speech.

Mr. Speaker left the Chair.

Mr. Speaker re-assumed the Chair.

Mr. Lloyd, Chairman, from the Committee of the whole House, Reported to Mr. Speaker, That the Committee had further proceeded to take into Consideration, the Matter Referred to them by the Honourable House; but not having had Time to compleat the same, prays Leave of the House that the said Committee may sit again to proceed further in the said Affair.

On Consideration of the said Report, Resolved, That this House will, on the Morrow Morning, Resolve itself into a Committee of the whole House, to consider further on the Subject-Matter, contained in the Minutes of the Meeting held at Philadelphia, Referred to in the Governor's Speech.

On Motion, Ordered, That Mr. Walter Dulany, Col. Henry, Mr. Earle, Mr. Beall, Mr. Bracco, Mr. Paca, and Mr. Loyd, be a Committee to Enquire what Sums of Money now remain unexpended, which were Raised by the Act, entituled, An Act for raising the Sum of £40,000 &c. and make Report thereof to this House.

Richard Lee, Esq;[r] from the Upper House, delivers to Mr. Speaker, a Petition of the Justices of the Peace for Dorchester County, and a Petition of William Wethered, of Kent County; severally Indorsed By the Upper House of Assembly, 15th of April, 1757. Read and Referred to the Consideration of the Lower House of Assembly.

Which Petitions were severally Read here, and Ordered to lie on the Table.

p. 389 The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Benedict Calvert, Esq;[r] from the Upper House, delivers to Mr. Speaker, the humble Representation of the Inhabitants of the Town of Chester, in the County of Kent, and the Neighbours about it; and the Petition of Benjamin Chew, Nathan Baker, Thomas Thornton, Francis Key, James Baxter, and Elihu Hall, of Cecil County, residing in or about Charles Town in said County;

which Petitions were severally Indorsed By the Upper House of Assembly, 15th of April, 1757. Referred to the Consideration of the

L. H. J.
Liber No. 48
April 15

Lower House of Assembly; and were severally Read here, and Ordered to lie on the Table.

On Reading an Article in Capt. Samuel Chapman's Account, against the Public, of £1..8..6 (who was Ordered out on a Detachment of the Militia) for Expences for a Man, who attended the Lieutenant as a Servant, he being well equipped; the Question was put, Whether the said Article of £1..8..6 shall be Allowed, or Not? Resolved in the Affirmative.

For the Affirmative,

Hynson,
Worthington,
Reynolds,
Jordan,
Waggaman,
Gale,
Gray,
Tolley,
Govane,
Smith,
Earle,
Baker,
Beall,
Murdock,
Fraser,
Casson,
Scarborough,
Handy,
Chapline.
[19]

For the Negative,

Reeder,
Wallis,
Hammond,
Gassaway,
Carroll,
Goldsborough,
M. Tilghman,
Edmondson,
Travers,
Paca,
Hyland,
Ward,
Lloyd,
E. Tilghman,
Bracco,
Henry.
[16]

Col. Henry brings in and delivers to Mr. Speaker, the following Report, viz.[t]

By the Committee appointed by the Honourable Lower House of Assembly, to Enquire what Money now remains unapplied of the Forty Thousand Pounds, granted for his Majesty's Service in February, 1756, and also what remains unexpended of the Monies appropriated by that Act and the Act passed in September, 1756, Sc^{t}

Your Committee find, That of the Forty Thousand Pounds, granted for his Majesty's Service in February, 1756, there remains unappropriated the Sum of £7469..17..4

That of the Sum of Four Thousand Pounds, granted to be applied in Rewards for Indian Scalps and Prisoners, there remains unexpended £3979.10.

That the sum of Three Thousand Pounds, granted to cultivate the Friendship of the Cherokees, and defray the Expence of an Embassy for that Purpose, remains entire unexpended,

All which is humbly submitted to the Consideration of your Honourable House.

Signed ꝑ Order, Thomas Johnson, junior,
Clerk of said Committee.

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Which was Read, and Ordered to lie on the Table.

This House adjourns until the Morrow Morning at 9 of the Clock.

April 16 p. 390

Saturday Morning, April 16,th 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Fraser. The Proceedings were Read.

Capt. Smith hath Leave of the House to go home.

His Excellency the Governor communicated to Mr. Speaker the following Message: viz.t

Gentlemen of the Lower House of Assembly,

I do not know that I am impowered by any Statute of England, or any Law of this Province, to form such Regulations as are mentioned in your Address of the Thirteenth Instant; but the several Governors who subscribed those Minutes, have it in Command from his Majesty to use their utmost Diligence and Authority in procuring an exact Observance of such Orders as shall be issued from Time to Time by the Commander in Chief, for Quartering the Troops, Impressing Carriages, and Providing all Necessaries, for such Forces as shall arrive in, or be raised within, their respective Governments. In a former Session, I recommended it to you to Regulate the Hire of Waggons, that in Case his Majesty's Service should make it necessary to Impress any within this Government, the People may be obliged to furnish them at reasonable Rates; and since the Bill, which you Framed agreeable to my Recommendation, was passed, I have not heard that any Persons complained of the Regulation then made; but if you doubt whether the Rates are sufficiently established, you may prepare another Bill for that Purpose: And as his Majesty's Troops, that may be Ordered to this Province, must be furnished with Quarters, it will be well to prevent any Disputes arising between the Inhabitants and Soldiers on such Occasions, by making an Act for Billetting and Quartering the latter in this Province, as they are in some of the neighbouring Governments.

April 16, 1757. Hor.o Sharpe.

On Motion (the Order of the Day being Read) the House Resolved itself into a Committee of the whole House, to consider further of the Subject-Matter, contained in the Minutes of the Meeting held at Philadelphia, Referred to in his Excellency's Speech.

Mr. Speaker left the Chair.

Mr. Speaker re-assumed the Chair.

Mr. Lloyd, Chairman of the Committee of the whole House, delivers to Mr. Speaker the following Report, viz.t

By a Committee of the whole House, April 16, 1757. L. H. J. Liber No. 48 April 16

Resolved, That a Number not exceeding 500 Men (including Officers, and those already Raised) be kept in Pay, for his Majesty's Service, and for the more immediate Protection and Defence of this Province.

Resolved, That the Sum of £7469.17.4 granted by an Act for granting a Supply of £40,000 for his Majesty's Service, and striking £34015.6.0 thereof in Bills of Credit, and raising a Fund for sinking the same, for carrying on an Expedition to the Westward, and the Sum of £3000 by the said Act granted for engaging the Assistance, and cultivating the Friendship of the Southern Tribes of Indians, p. 391 or such Part thereof as remain unexpended, be now applied to the Raising, Subsisting, and Defraying, all Charges and Expences attending the Support of 500 Men (Officers included) and including such Men as have been heretofore Raised for the Defence and Security of this Province, to act in Conjunction with his Majesty's Forces, for his Majesty's Service, for the more immediate Protection and Defence of this Province, always leaving at Fort Frederick a sufficient Number of Men to Guard and Protect the Frontier Inhabitants of this Province.

On Reading the said Report, the House concurs therewith.

On Motion, That a Bill be brought in to Raise and Apply a Sum of Money, for the Raising and Subsisting 500 Men (Officers included) for his Majesty's Service:

Ordered, That Col.° Tilghman, Mr. Hammond, Mr. Matthew Tilghman, Mr. Murdock, and Mr. Carroll, do prepare and bring in the same.

Ordered, That the Agents appointed by the Act for granting a Supply of £40,000 for his Majesty's Service, &c. do immediately lay their Accounts before this House.

The House adjourns until Monday Morning at 9 of the Clock.

Monday, 18th April, 1757. April 18

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Capt. Smith and Mr. Worthington.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Mr. Williamson is added to the Committee for Inspecting the Accounts and Proceedings of the Paper Currency Office.

L. H. J. Liber No. 48 April 18 Col.° Henry brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Relief of sundry Inhabitants of Allhallows Parish, in Worcester County; which was Read the first and second Time by an especial Order, and will Pass.

On Motion, Ordered, That the Committee of Accounts do not receive any Claims against the Public after next Thursday.

Ordered, That the Committee of Accounts do close the Journal of Accounts on Friday next.

The House adjourns until the Morrow Morning at 9 of the Clock.

April 19

Tuesday, 19th April, 1757.

The House met according to Adjournment, &c.

Mr. Worthington appeared in the House.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Capt. Jenifer appeared in the House.

The Petition of the Justices of the Peace of Dorchester County, was Read and Granted; and Leave given to bring in a Bill according to Prayer.

p. 392 Col. Hammond, from the Upper House, delivers to Mr. Speaker, a Representation of the Commissioners of the Paper Currency Office; Indorsed, By the Upper House of Assembly, 19th of April, 1757. Referred to the Consideration of the Lower House of Assembly; which Representation was here Read, and Ordered to lie on the Table.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Security of this Province; which was Read the first Time, and Ordered to lie on the Table.

The House adjourns until the Morrow Morning at 9 of the Clock.

April 20

Wednesday, 20th April, 1757.

The House met according to Adjournment, &c.

Capt. Sprigg appeared in the House.

Mr. Lloyd brings in and delivers to Mr. Speaker, a Bill, entituled, An Act continuing an Act, entituled, An Act for the Advancement of Justice.

A bill, entituled, An Act continuing an Act, entituled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the Supplementary Act thereto.

A Bill, entituled, An Act continuing an Act, entituled, An Act for Trial of all Matters of Fact in the several Counties where they have arisen, or shall arise.

L. H. J.
Liber No. 48
April 20

A Bill, entituled, An Act continuing an Act, entituled, An Act to Remedy some Evils relating to Servants.

A Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to the Act, entituled, an Act ascertaining the Heighth of Fences, to prevent the Evil occasioned by the Multitude of Horses, and Restraining Horse-Rangers, within this Province; and to Redress the great Evil accruing to this Province by the Multiplicity of useless Horses, Mares, and Colts, within this Province. And,

A Bill, entituled, An Act continuing an Act, entituled, An Act for the Gauge of Barrels, for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread.

Which Bills were severally Read the first Time, and Ordered to lie on the Table.

On Motion, Leave given to bring in a Bill, For Relief of such Persons who have had their Servants taken from them, to be Enlisted as Soldiers, without any Satisfaction made.

Ordered, That Col. Tilghman, Mr. Carroll, and Mr. Matthew Tilghman, do prepare and bring in a Bill accordingly.

On Motion, Ordered, That Col. William Young, Deputy-Commissary of Baltimore County, do attend this House on the Morrow Afternoon, being the 21st Instant, and bring with him the several Instructions which he hath received from the Commissary-General, relating to the Office of Deputy-Commissary; and that the Serjeant at Arms, attending the Lower House of Assembly, do serve the said William Young with a Copy of this Order, to be made out by the Clerk of this House. p. 393

On Motion, Leave given to bring in A Supplementary Bill to the Act, entituled, An Act for the Encouragement of such Persons as will undertake to Build Water-Mills.

Ordered, That Col. Tilghman, Mr. Carroll, and Mr. Matthew Tilghman, do prepare and bring in a Bill accordingly.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, the Petitions of sundry Persons, on Behalf of themselves, and other Inhabitants of this Province; and a Petition of the French Acadians, dispersed through this Province; severally Indorsed, By the Upper House of Assembly; Read and Referred to the Consideration of the Lower House of Assembly; which Petitions were severally Read here, and Ordered to lie on the Table.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

L. H. J. Liber No. 48 April 20 The Bill, entituled, An Act for his Majesty's Service, &c. was Read and committed for Amendments.

The House adjourns until the Morrow Morning at 9 of the Clock.

April 21 Thursday, 21st April, 1757.

The House met according to Adjournment, &c.

Mr. Gale, Mr. Handy, and Capt. Waggaman, have Leave of the House to go home.

On Motion, the Question was put, That an Address be prepared and sent to his Excellency, in Answer to his Message to this House of the 25th Day of March, 1755. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Hynson,
Williamson,
Wallis,
Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
Jordan,
Goldsborough,
M. Tilghman,
Gray,
Travers,
Tolley,
Paca,
Hyland,
Earle,
Baker,
Ward,
Lloyd,
E. Tilghman,
Bracco,
Scarborough
Henry,
Handy,
Chapline,
Beall,
Sprigg.
[29]

For the Negative,

Jenifer,
Waggaman,
Gale,
Edmondson,
Casson,
[5]

In Pursuance of the aforegoing Resolution, Ordered, That Mr. Hammond, Col. Tilghman, Mr. Carroll, Mr. Murdock, and Mr. Matthew Tilghman, do prepare and bring in an Address accordingly.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Mr. James John Mackall appeared in the House.

p. 394 The Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Security of this Province, was Read the second Time, and will Pass; and was sent to the Upper House by Mr. Hammond, and Five more.

Mr. Goldsborough brings in and delivers to Mr. Speaker, a Bill, entituled, An Act continuing an Act, entituled, An Act to prevent

L. H. J.
Liber No. 48
April 21

Persons from secreting Boats, Flats, and other Vessels, drove by Stress of Weather or otherwise from Landings or Moorings.

A Bill, entituled, An Act continuing an Act, entituled, An Act to prevent Masters of Ships and Vessels from clandestinely carrying Servants and Slaves (or Persons indebted) out of this Province.

A Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to the Act, entituled, An Act for the Relief of Creditors in England against Bankrupts, who have imported Goods into this Province not accounted for.

A Bill, entituled, An Act continuing an Act, entituled, An Act to impower the Justices of the several County Courts, to make Provision for the late Inhabitants of Nova-Scotia, and for Regulating their Conduct. And,

A Bill, entituled, An Act continuing an Act, entituled, An Act for the speedy Recovery of small Debts out of Court, before one Justice of the Peace.

Which Bills were severally Read the first and second Time by an especial Order, and will Pass.

Mr. Gray brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Leasing out Part of the Prison Land in Dorchester County; which was Read the first Time, and Ordered to lie on the Table.

On Motion, That an Address be prepared to his Excellency, in Answer to his Message of the 16th Instant:

Ordered, That Col. Tilghman, Mr. Carroll, and Mr. Matthew Tilghman, do prepare and bring in an Address accordingly.

Col. Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Relief of sundry Inhabitants, who have had their Servants Enlisted into his Majesty's Service; which Bill was Read the first Time, and Ordered to lie on the Table.

On Reading the Bill, entituled, An Act continuing an Act, entituled, An Act for Trial of all Matters of Fact in the several Counties where they have arisen, or shall arise, the Question was put, Whether the said Bill shall Pass, or Not? Resolved in the Affirmative.

For the Affirmative,

Reeder,
Hynson,
Williamson,
Wallis,
Reynolds,
Jordan,
Jenifer,
Waggaman,
Gale,
Goldsborough,
M. Tilghman,
Edmondson,
Gray,
Travers,
Hyland,
Earle,
Baker,
Ward,
Lloyd,
E. Tilghman,
Casson,
Bracco,
Scarborough,
Henry,
Handy.

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April 21

For the Negative,

Hammond,	J. J. Mackall,	Chapline,
Gassaway,	Paca,	Beall,
Carroll,	Tolley,	Sprigg.
Worthington,	Govane,	[11]

p. 395 Which Bill was accordingly Indorsed, Read the second Time, and will Pass; and, with the Bill, entituled, An Act continuing an Act, entituled, An Act for the speedy Recovery of small Debts out of Court, before one Justice of the Peace; was sent to the Upper House by Mr. Williamson and Mr. Reynolds.

The Bill, entituled, An Act continuing an Act, entituled, An Act for the Advancement of Justice.

The Bill, entituled, An Act continuing an Act, entituled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act to Remedy some Evils relating to Servants.

The Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to the Act, entituled, An Act ascertaining the Heighth of Fences, &c. And,

The Bill, entituled, An Act continuing an Act, entituled, An Act for the Gauge of Barrels, for Pork, Beef, &c.

Were severally Read the second Time, and will Pass.

A Bill, entituled, An Act for further continuing an Act, entituled, An Act to prevent the Exportation or Carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the French, or their Allies, was Read the first Time, and Ordered to lie on the Table.

The House adjourns until the Morrow Morning at 9 of the Clock.

April 22

Friday Morning, 22d April, 1757.

The House met according to Adjournment, &c.

On Reading the Petition of William Wethered, of Kent County, the Question was put, Whether the said Petition be Granted, or Not? Resolved in the Affirmative.

Ordered, That the Petitioner be Allowed for the Damages he sustained, the Sum of £300.0.0 Current Money; and that the same be Allowed in the Journal of Accounts.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency.

On Reading thereof, the Question was put, That the said Address be Approved. Resolved in the Affirmative.

L. H. J.
Liber No. 48
April 22

For the Affirmative,

Reeder,
Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
Mackall,
Jordan,
Jenifer,
Waggaman,
M. Tilghman,
Paca,
Hyland,
Earle,
Baker,
Murdock,
Lloyd,
E. Tilghman,
Casson,
Scarborough,
Handy,
Chapline,
Beall,
Sprigg.

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For the Negative,

Hynson,
Williamson,
Wallis,
Goldsborough,
Edmondson,
Gray,
Travers,
Tolley,
Govane,
Ward,
Bracco,
Henry.

12

Which Address was Ordered to be Indorsed, Read, Approved, and Ordered to be Ingrossed.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Capt. Fraser appeared in the House.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq;[r] Governor and Commander in Chief in and over the Province of Maryland: p. 396

The humble Address of the House of Delegates.

May it please your Excellency

As we could not entertain an Opinion, that your Excellency would, without being impowered by some Statute of England, or some Law of this Province, form such Regulations as are mentioned in the Paragraph recited in our Address of the Thirteenth, so we are fully persuaded your Excellency will, in your Endeavours to procure an exact Observance of such Orders as shall be issued from Time to Time, by the Commander in Chief, for Quartering the Troops, Impressing Carriages, and Providing all Necessaries, for such Troops as shall arrive in, or be raised within, this Province, act in a Manner consistent with the Statutes of England, the Laws of this Province, and the Rights and Liberties of the good People thereof, committed to your Care and Protection. We are glad the Bill we Framed in a former Session, agreeable to your Excellency's Recommendation, for Regulating the Hire of Carriages, has had

L. H. J. Liber No. 48 April 22 the desired Effect, and have, in a Bill for his Majesty's Service, now before the Upper House, made a Provision of the like Nature. As the Framing a Bill, for Furnishing Quarters for such of his Majesty's Troops as may be Ordered to this Province (which, if your Excellency would be favourably pleased timely to make our Circumstances known to his Majesty's Commander in Chief, we presume would be but few), in a Method which may be agreeable to the Troops, and at the same Time not too Distressing to the Inhabitants, is a Matter that appears to us to require much Deliberation and Attention; and as for taking into Consideration the general Welfare of the Community, we humbly presume it may be thought expedient, that at a convenient Time, after the contagious Distemper, at present Raging there, is over, there should be a Meeting of the General Assembly at Annapolis (the only proper Place in our Opinion, agreeable to the Form of our Constitution), where Recourse may be had to the Public Offices, Papers, and Records, Laws and Statutes, without the Expence of Transcripts and Delay of Messengers, which must unavoidably attend our Proceedings here; and as such Meeting may conveniently be full Time enough for making the necessary Provision for Furnishing such Quarters, we cannot doubt we shall stand excused for not entering upon that important Affair, at a Place so inconvenient as the present.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Earle and Mr. Mackall do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify, he would be ready to receive the Address immediately in the Council Chamber.

Ordered, That Col. Tilghman, and Three more, do present the Address.

p. 397 The Bill entituled, An Act for Leasing out Part of the Prison Land in Dorchester County, was Read the second Time, and will Pass;

Which said Bill, and the Bill, entituled, An Act for Relief of sundry Inhabitants of Allhallows Parish, in Worcester County; and the following Reviving Bills, viz.[t]

The Bill, entituled, An Act continuing an Act, entituled, An Act for the Advancement of Justice.

The Bill, entituled, An Act continuing an Act, entituled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act to Remedy some Evils relating to Servants.

L. H. J.
Liber No. 48
April 22

The Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to the Act, entituled, An Act ascertaining the Heighth of Fences, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act for the Gauge of Barrels, for Pork, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act to prevent Persons from secreting Boats, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act to prevent Masters of Ships, &c. from clandestinely carrying Servants, &c. out of this Province.

The Bill, entituled, An Act continuing an Act, entituled, An Act for the Relief of Creditors in England against Bankrupts, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act to impower the Justices to make Provision for the late Inhabitants of Nova-Scotia, &c.

Were sent to the Upper House by Major Travers and Mr. Gray.

The House adjourns until the Morrow Morning at 9 of the Clock.

Saturday Morning, 23d April, 1757. April 23

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Hammond, Mr. Waggaman, Mr. Gale, and Mr. Handy.

Mr. Worthington, Capt. Jordan, and Mr. Reynolds, have Leave of the House to go home.

Richard Lee, Esq;r from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Security of this Province; Indorsed, By the Upper House of Assembly 21st April 1757. Read the first time and ordered to lie on the table.

Signed ℘ Order J Ross Cl Up Ho.

And thus By the Upper House of Assembly, April 23, 1757. Read the second Time and with the Amendments proposed, in a Schedule herewith sent, will Pass.

Signed ℘ Order, J. Ross, Cl. Up. Ho.

And the following Schedule, viz.t

[This Schedule of amendments printed in full in Upper House Journal pp. 13-15]

p. 399

On Motion, Resolved, That if any Member of this House do depart, without Leave from the Honourable Speaker and the House, such Member shall forfeit all his Allowance, due to him for his Attendance, during the Session.

L. H. J.
Liber No. 48
April 23
p. 400

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment; and all the Members appeared as in the Morning, except Mr. Worthington and Mr. Reynolds.

Mr. Chapline hath Leave of the House to go home.

The House adjourns until Monday Morning at 9 of the Clock.

April 25

Monday, 25th April, 1757.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Reynolds, Mr. Chapline, and Capt. Jordan.

His Excellency communicated to Mr. Speaker the following Message, viz.t

Gentlemen of the Lower House of Assembly,

The inclosed Instructions are, as you will see, sent to me by the Lords Commissioners for Trade and Plantations. I Recommend it to you to Frame a Bill agreeable thereto.

25th April, 1757. Hor.o Sharpe.

And the following Paper, viz.t

Whitehall, October 9th, 1756.

Sir,

It having been Represented to his Majesty, That the several Islands and Colonies, belonging to the French in America, have in Times of War been frequently supplied with Provisions of various Kinds, by Means of the Trade carried on from his Majesty's Islands and Colonies, to the Colonies and Settlements belonging to the Dutch and other Neutral Powers: It is his Majesty's Pleasure that you do forthwith, upon the Receipt of this Order, give immediate Directions, that an Embargo be laid, during his Majesty's Pleasure, upon all Ships and Vessels Clearing out with Provisions, from any Port or Place within your Government, except those which shall be employed in carrying Provisions to any other of his Majesty's Colonies and Plantations, which Ships or Vessels are to be allowed to sail from Time to Time, provided that the Masters or Owners do, before they are permitted to take any Provisions on Board, enter into Bonds, with Two Sureties of known Residence there, and Ability to answer the Penalty, with the Chief Officers of the Customs of the Ports or Places from whence such Ships or Vessels shall set sail, to the Value of One Thousand Pounds, if the Ship be of less Burthen than One Hundred Tons, and of the Sum of Two Thousand Pounds if above that Burthen, that the Cargoes of such Ships or Vessels, the

Particulars of which are to be expressed in the Bond, shall not be landed in any other Ports or Places than such as belong to his Majesty, or are in Possession of his Subjects; and that they will, within Twelve Months after the Date thereof, the Danger of the Sea excepted, produce Certificates under the Hands and Seals of the principal Officers of the Customs at such Ports or Places, for which such Ships or Vessels Cleared out, that the said Cargoes, expressing the Particulars thereof, have actually been landed there. And when there shall be Cause to suspect, that such Certificates are false and counterfeit, you shall take especial Care that such Security be not cancelled or vacated, until you shall have been informed from the said principal Officers of the Customs, that the Matter and Contents thereof are just and true. And in Case the Masters or Owners of such Ships or Vessels, shall not produce the said Certificates within the Time limited, you are to attest the Copies of such Bonds under your Hand and Seal, and to cause Prosecution thereof: And you are also to give Directions, that no Person be admitted to be Security for another, who has Bonds standing out undischarged, unless he be esteemed Responsible for more than the Value of such Bonds.

L. H. J.
Liber No. 48
April 25

p. 401

And, in order the more fully to answer his Majesty's Intention, of Distressing the Enemy, and to render his Orders herein the more effectual, you are to take Care, in Case the Masters or Owners of any Ships or Vessels, having Cleared out from the Colony under your Government, laden with Provisions for any of his Majesty's other Colonies or Islands, shall be detected in causing collusive Captures to be made of the Cargoes, that the severest Penalties be inflicted upon the Offenders, which the Laws will, in such Case, allow of. We are, Sir, Your most obedient humble Servants,

Dunk Halifax,
Andrew Stone,
James Oswald.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Major Dennis appeared in the House.

The House adjourns until the Morrow Morning at 9 of the Clock.

Tuesday, 26th April, 1757.

April 26

The House met according to Adjournment, &c.

Mr. Wallis hath Leave of the House to be absent till the Morrow Evening.

L. H. J. Liber No. 48 April 26 Capt. Thomas Gantt, a Delegate returned (to serve in the General Assembly of this Province) by the Sheriff of Prince-George's County, appeared in the House.

Ordered, That Mr. Fraser and Capt. Jenifer do go with Capt. Gantt to the Upper House, to see him Qualified: They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

Benedict Calvert, Esq;^{r} from the Upper House, delivers to Mr. Speaker, a Petition of the Inhabitants of Baltimore-Town, and other Inhabitants of Baltimore County; Indorsed, By the Upper House of Assembly, 26th of April, 1757. Read and Referred to the Consideration of the Lower House of Assembly; which Petition was here Read, and Ordered to lie on the Table.

The House adjourns until 2 of the Clock Afternoon.

p. 402

Post-Meridiem.

The House met according to Adjournment, &c.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act continuing an Act, entituled, An Act for the Gauge of Barrels, for Pork, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act to impower the Justices to make Provision for the late Inhabitants of Nova-Scotia, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act for the Relief of Creditors in England against Bankrupts, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act to prevent Masters of Ships, &c. from clandestinely carrying Servants, &c. out of this Province.

The Bill, entituled, An Act continuing an Act, entituled, An Act to prevent Persons from secreting Boats, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act for the Advancement of Justice.

The Bill, entituled, An Act continuing an Act, entituled An Act to Remedy some Evils relating to Servants.

The Bill, entituled, An Act continuing an Act, entituled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act for the speedy Recovery of small Debts out of Court, before one Justice of the Peace.

L. H. J.
Liber No. 48
April 26

The Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to the Act, entituled, An Act ascertaining the Heighth of Fences, &c.

The Bill, entituled, An Act for Leasing out Part of the Prison Land in Dorchester County. And,

The Bill, entituled, An Act for Relief of sundry Inhabitants of Allhallows Parish, in Worcester County.

Which Bills were severally Indorsed; " By the Upper House of Assembly 23rd April 1757, Read the first time and ordered to lie on the table." and thus By the Upper House of Assembly, 26th of April, 1757. Read the second Time, and will Pass.

Signed ꝑ Order, J. Ross, Cl Up Ho

Which Bills were severally Read here, and passed for Ingrossing.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act continuing an Act, entituled, An Act for Trial of all Matters of Fact in the several Counties where they have arisen, &c. Indorsed, " by the Upper House of Assembly 22nd April 1757, Read the first time and ordered to lie on the Table and thus " by the Upper House of Assembly 26th of April, 1757. Read the second Time, and will not Pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

On Reading the Message, prepared in Answer to the Amendments proposed by the Upper House, to the Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Security of this Province, the following Clause was proposed to be left out, viz.t To the Eighth we cannot agree, for the following, among many other Reasons; it may impower his Majesty's Commander in Chief, or other Person properly authorized, to Order Part of the Men, as a Garrison, into Fort Cumberland; a Place, tho' within the Limits of this Province, yet so far distant from the settled Parts of it, that the Expences of maintaining it would be so great, and the Advantage to the Inhabitants (if any) so small, that we cannot consent to support any Forces for that Service. p. 403

Thereupon the Question was put, That the said Clause be left out of the Message. Resolved in the Affirmative.

For the Affirmative,

Hynson,
Williamson,
Worthington,
Jenifer,
Dennis,
Goldsborough,
Edmondson,
Gray,
Travers,
Tolley,
Govane,
Hyland,
Baker,
Ward,
Casson,
Bracco,
Henry.
17

L. H J.
Liber No. 48
April 26

For the Negative,

Reeder,
Hammond,
Gassaway,
Carroll,
J. J. Mackall,
M. Tilghman,
Paca,
Earle,
Murdock,
Fraser,
Gantt,
Lloyd,
E. Tilghman,
Scarborough,
Beall,
Sprigg.
[16]

Ordered, That the Message be Altered according to the Resolution of the aforegoing Question.

The House adjourns until the Morrow Morning at 9 of the Clock.

April 27

Wednesday, 27th April, 1757.

The House met according to Adjournment, &c.

The following Message,

By the Lower House of Assembly, 27th April, 1757.

May it please your Honours,

We have considered the Amendments and Alterations, proposed by your Honours to our Bill for his Majesty's Service, and the more immediate Defence and Security of this Province; and though we have thought it expedient to consent to many of them, yet there are some to which the Circumstances of our Constituents will never permit us to agree.

As to your First, we are unanimously of Opinion, that Five Hundred Men are more than are necessary for our own immediate Defence and Protection, but have agreed to Raise that Number, that we may, as far as can be reasonably expected, comply with the Earl of Loudoun's Requisition; and as it is but just, our Motive should appear, we are determined not to agree to your Alteration.

Your Second Amendment depending on the First, falls of Course.

Upon Enquiry, it does not appear to us, that any Part of the Two Thousand Four Hundred Pounds, applied by the Act, entituled, An Act for his Majesty's Service, and further Defence and Security of this Province, for the Completion of Fort Frederick, is included in the Sums applied by this Bill; and therefore we think your Third Amendment is entirely unnecessary.

Your Fourth, Fifth, and Sixth Amendments, we agree to.

We think it expedient, that a sufficient Number of the Five Hundred Men, while the Rest are Ranging, should be left at Fort Frederick, for the Safety and Protection of any Military Stores that may be lodged therein; and therefore cannot agree to the Seventh Amendment.

L. H. J.
Liber No. 48
April 27
p. 404

To the Eighth we cannot agree, for the following, among many other Reasons; it will impower the Commander in Chief, or other Person properly authorized, to Order away from the Frontier all the Five Hundred Men, except so many as the Governor or Commander in Chief of this Province, for the Time being, shall think expedient, for the Protection and Security of Fort Frederick; in which Case the Frontier Inhabitants would be deprived of that Protection by Ranging, which the Bill now provides for; and thereby the Country put to an additional and extraordinary Expence, and our Militia harassed in that Service, for which the Men proposed to be Raised by this Bill are designed.

To the Ninth we cannot agree, as we think it our indispensible Duty, by every reasonable Method, to secure the Public Money from Embezzlement, especially at this Juncture, when the greatest Œconomy is necessary.

To the Tenth we agree.

To the Eleventh we cannot agree, as we judge the obliging the Officer to return his Muster-Rolls on Oath, will be a stronger Security to the Public against any Fraud, than one signed by himself and one other Commission Officer, as we are not convinced that one Officer may not connive at the false Return of another.

To the Twelfth and Thirteenth we agree.

'Tis well known, that Soldiers absent on Furlow, do not receive Pay nor Provisions, and therefore 'tis undoubtedly necessary they should be returned in the Muster-Roll; and those absent on Duty, not receiving Provisions from the Garrison, it would seem as expedient should be returned also: And we cannot think the Penalty of being cashiered, so great a Security against the false Returns of an Officer, as a pecuniary Penalty, recoverable in a Court of Law; because the Judges in a Court of Law must be supposed to be more impartial than Judges in a Court-Martial, many of whom may probably have strong Attachment to the Party charged; for these Reasons we cannot agree to your Fourteenth Amendment.

To the Fifteenth, Sixteenth, and Seventeenth, we agree.

And we agree to the Forfeiture you propose by the Eighteenth Amendment: But as we cannot think it reasonable to subject the Body of the Person to Imprisonment, when he has Effects to discharge the Penalty, we cannot agree to establish a discretionary Power of either Fining or Imprisoning.

As we see no Reason for departing from the usual Method of providing for Persons, who shall adventure their Lives in the Defence of this Province and his Majesty's Service, and shall be maimed, or rendered incapable to get a Livelihood for themselves or Families, we shall adhere to it; and therefore cannot agree to your Nineteenth Amendment.

L. H. J. Liber No. 48 April 27 To the Twentieth, Twenty-first, and Twenty-second, we agree.

And now, May it please your Honours, having given you our Reasons for not agreeing to several of your Amendments, and noted such as we do agree to, we return you herewith the Bill for his Majesty's Service, and the more immediate Defence and Security of this Province, in full Confidence, that, on more mature Deliberation, you will consent to Pass it with such of your Amendments as we have agreed to, that the Purposes of our Meeting may be Answered, and a speedy End be put to this Session.

Signed ꝑ Order, M. Macnemara, Cl Lo Ho

p. 405 Was sent to the Upper House, with the Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Security of this Province, by Mr. Lloyd and Mr. Govane.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c:

Mr. Baker hath Leave to go home.

On Reading Capt. Stansbury's Account, the Question was put, Whether the following Question shall be now put, viz.^{t} Whether the Captain's Journal, with the Press-Master's Receipt for Provisions or Forage Pressed, be not sufficient Vouchers for the Claim (against the Public) of the Person from whom they were Pressed, or Not? Resolved in the Negative.

For the Affirmative,

Hynson,
Williamson,
Dennis,
Gray,
Travers,
Paca,
Tolley,
Govane,
Hyland,
Baker,
Ward,
Bracco,
Scarborough,
Henry,
Beall,
Sprigg.
16

For the Negative,

Reeder,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Jenifer,
J. Goldsborough,
M. Tilghman,
Edmondson,
Earle,
Murdock,
Fraser,
Gantt,
Lloyd,
E. Tilghman,
Casson.
17

Benedict Calvert, Esq;[r] from the Upper House, delivers to Mr. Speaker, the following Message, viz.[t] L. H. J. Liber No. 48 April 27

By the Upper House of Assembly, 27th April, 1757.

Gentlemen,

In Answer to your Message, with the Bill for his Majesty's Service, and the more immediate Defence and Security of this Province, we are glad to find, that you have thought it expedient to consent to many of our Amendments, proposed to that Bill; and altho' we cannot be of Opinion with you, that Five Hundred Men are more than are necessary for our own immediate Defence, yet we shall condescend, for the quicker Dispatch in passing a Bill so necessary for his Majesty's Service, not to insist on the First, and in Consequence on the 2d of our Amendments. The Third we likewise are willing to pass over; but the 7.th 8.th 11.th & 14.th of the Amendments proposed by us, we must still insist on; which being made by you, together with those you have already agreed to, we shall be willing to Pass it, and not otherwise.

Signed ℘ Order, J. Ross, Cl Up Ho

And the Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Security of this Province.

On Reading the said Message, and on mature Consideration of the Amendments proposed by the Upper House to the said Bill, this House does not Concur therewith.

The House adjourns until the Morrow Morning at 9 of the Clock.

Thursday, 28th April, 1757. April 28 p. 406

The House met according to Adjournment, &c.

Col.° Henry brings in and delivers to Mr. Speaker, the following Reports, marked N°. 1, and N°. 2, viz.[t]

[These reports printed in full in Upper House Journal pp. 19-33]

On Reading the Report aforesaid, marked N°. 1, the House concurs therewith. p. 415

On Reading the said Report, marked N°. 2, the House concurs therewith.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment: All the Members appeared as in the Morning, except Mr. Baker.

On Motion, Leave given, to bring in a Bill, For the immediate Defence and Security of the Inhabitants of the Western Frontier of this Province.

L. H. J. Liber No. 48 April 28 Ordered, That Col. Tilghman, Mr. Hammond, Mr. Murdock, Mr. Matthew Tilghman, and Mr. Carroll, do prepare and bring in a Bill accordingly.

On Motion, That an Address be prepared to his Excellency on the several Matters Reported by the Committee for Inspecting into the Accounts and Proceedings of the Commissioners of the Paper-Currency Office:

Ordered, That Col. Tilghman, Mr. Lloyd, Col. Henry, Mr. Bracco, and Mr. Murdock, do prepare and bring in an Address accordingly.

Mr. Lloyd brings in and delivers to Mr. Speaker several Ingrossed Bills, viz.[t]

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the Advancement of Justice.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for Continuing the Supplementary Act thereto.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to Remedy some Evils relating to Servants.

An ingrossed Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to the Act, entituled, An Act ascertaining the Heighth of Fences, to prevent the Evil occasioned by the Multitude of horses and Restraining Horse Rangers within this Province and to Redress the great Evil accruing to this Province by the Multiplicity of useless Horses, Mares, and Colts that run in the woods

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the Gauge of Barrels, for Pork, Beef Pitch Tar Turpentine and Tare of Barrels for Flour or Bread

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to impower the Justices of the several County Courts, to make Provision for the late Inhabitants of Nova-Scotia and for regulating their Conduct

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to the Act entitled, An Act for the Relief of Creditors in England against Bankrupts, who have imported Goods into this Province not accounted for

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to prevent Masters of Ships & Vessels from clandestinely carrying Servants, Slaves or Persons indebted out of the Province.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, p. 416 An Act to prevent Persons from secreting Boats, Flats and other Vessels drove by stress of weather or otherwise from Landings or Moorings.

L. H. J.
Liber No. 48
April 28

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the speedy Recovery of small Debts out of Court, before one Justice of the Peace.

An Ingrossed Bill, entituled, An Act for Leasing out Part of the Prison Land in Dorchester County. And,

An Ingrossed Bill, entituled, An Act for Relief of sundry Inhabitants of Allhallows Parish, in Worcester County.

Which Bills were severally Read and Assented to, and sent to the Upper House, with the Paper Bills thereof, by Mr. Mackall and Capt. Gantt.

Mr. Goldsborough brings in and delivers to Mr. Speaker, the following Report, viz.[t]

By the Committee of Aggrievances and Courts of Justice,
28th April, 1757.

Your Committee beg Leave to Represent as an Aggrievance, that several Persons professing the Romish Religion, have taught School in Baltimore County, and that one doth still teach School in the said County, near the Head of Deer-Creek, as by the annexed Depositions may appear; and humbly Report it as their Opinion, that the Tollerating such Schools, in Opposition to the Statutes of our Mother-Country, must greatly tend to the Poisoning the Minds of the Youth of this Province, and Alienating their Affections from our present most happy Establishment in Church and State: But submit it to the Consideration of the Honourable House.

Signed ꝑ Order, B. Nicholson, Clerk.

The Deposition of Archibald Standiford, of Baltimore County, taken
26th April, 1757.

This Deponent being Sworn on the Holy Evangels of Almighty God, saith, That Don. Connolly kept a School the last Year in the said County, near My Lady's Manor; and that the said Connolly warranted Two or Three Persons for Schooling their Children; and at the Time of trying one of the Warrants against William Crabtree, before Justice Boyce; he this Deponent heard the said Don. Connolly then say, that the said Crabtree would not pay him, because he the said Connolly was a Papist; upon which the said Justice said, he would not be concerned with it; but desired them to leave the same to be decided by Two of their Neighbours; and further saith not.

Archibald Standiford.

Sworn to before me the Day and Year above written.

Walter Tolley.

L. H. J. Liber No. 48 April 28

The Deposition of the Reverend Mr. Thomas Chase, of Baltimore County, Clerk, taken the 27th April, 1757.

This Deponent being Sworn on the Holy Evangels of Almighty God, saith, That a School was opened in Baltimore-Town, and continued till about Six Months ago, by one Mary Anne March, a reputed Papist; and that although he this Deponent oft applied, both publicly and privately, to the Three Magistrates living then in the said Town, and who well knew the said Mary Anne March did keep School; yet, they were so far from putting a Stop to it, that p. 417 one of them sent his Child to it: And this Deponent further saith, that the Protestant School-Master in the said Town, told this Deponent, he had lost many of his Scholars, which were immediately put to the Popish School; and further saith not.

Thomas Chase.

Sworn to before me the Day and Year above written.

Walter Tolley.

The Deposition of Samuel Webb, of Baltimore County, taken the 25th April, 1757.

This Deponent being Sworn on the Holy Evangels of Almighty God, saith, That Patrick Cavannagh served his Time with him in Quality of a School-Master; that during his Time of Service he went frequently to Mass, and always professed himself a Roman Catholic; that since the Expiration of his Service, which is about Two Years, the said Cavannagh has taught School in York County, in Pennsylvania, until some Time this Winter, when he came into this Province, and settled near the Head of Deer-Creek, in Baltimore County, where he now teaches School, and lately told this Deponent he had about Twenty Scholars; and the said Deponent further saith, that he verily believes the said Cavannagh still professes the Roman Catholic Religion; and further saith not.

Samuel Webb.

Sworn to before me the Day and Year above written

Walter Tolley.

Which was Read, and Ordered to lie on the Table.

The House adjourns until the Morrow Morning at 9 of the Clock.

April 29

Friday, 29th April, 1757.

The House met according to Adjournment, &c.

Major Hyland hath Leave of the House to go home.

Ordered, That the Clerk of this House do write to Capt. Baker and Capt. Smith, to attend the Public Business.

His Excellency the Governor communicated to Mr. Speaker the following Message, viz.[t]

L. H. J.
Liber No. 48
April 29

Gentlemen of the Lower House of Assembly,

It having been Represented to me by Capt. Joshua Beall, and the Officers under his Command, that they have been put to a considerable Expence by Raising a Company of Soldiers, for the Defence of the Frontiers of this Province, in Pursuance of an Act of Assembly, made at our last Session; and particularly that the Captain has been obliged to pay the Sum of Twenty-six Pounds Sixteen Shillings and Six Pence for the Diet and Lodging of his Recruits, before they could join the Garrison of Fort Frederick, being obliged by Law to pay the Ordinary-Keepers after the Rate of a Shilling a Day for each Soldier, while the Agents thought themselves restrained by the same Act from allowing him more than Nine Pence a Day for that Purpose I think it incumbent on me to Represent his Case to you, and to make Application to you on his Behalf. I also take the Liberty to remind you of that Account of Mr. Middleton's, for bringing some Neutrals from Annapolis to this Place, which I laid before you the sixteenth March, 1756: My Disbursements for that and some other Services done by my Order for the Public, together with the Expences occasioned by my Journey to the Frontiers last Summer, and those that I have been under a Necessity of taking to the Northward, amount to a very considerable Sum. I decline sending you any Accounts; but if, on considering this Message, you Resolve to Reimburse me, any Accounts that you may desire, shall be laid before you.

p. 418

29th April, 1757. Hor°. Sharpe.

Which was Read, and Ordered to lie on the Table.

Col.° Tilghman brings in and delivers to Mr. Speaker, the Bill, entituled, An Act for the Relief of sundry Inhabitants of this Province, who have had their Servants Enlisted into his Majesty's Service; which had been committed for Amendments, and, with the Amendments, was Read the second Time: And the Question was put, Whether the said Bill shall Pass, or Not? Resolved in the Affirmative.

For the Affirmative,

Hynson,
Williamson,
Wallis,
Carroll,
Dennis,
M. Tilghman,
Henry,

Paca,
Tolley,
Govane,
Hyland,
Earle,
Murdock,
Beall,

Fraser,
Gantt,
Lloyd,
E. Tilghman,
Casson,
Bracco,
Sprigg.

L. H. J.
Liber No. 48
April 29

For the Negative,

Reeder,
Hammond,
Gassaway,
Worthington,
J. J. Mackall,
Jenifer,
J. Goldsborough,
Edmondson,
Gray,
Scarborough. 10

Which Bill was accordingly Indorsed, Read the second Time, and will Pass; and was sent to the Upper House by Mr. Sprigg and Mr. Casson.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Petitions of sundry languishing Prisoners in the several County Goals in this Province; all which were Indorsed By the Upper House of Assembly, 29th April, 1757. Read and Referred to the Consideration of the Lower House of Assembly; which Petitions were severally Read here, and Granted.

Ordered, That Mr. Lloyd, Col. Henry, and Mr. Bracco, do prepare and bring in a Bill For the Relief of sundry-languishing Prisoners for Debt, in the several County Goals, therein to be mentioned.

On Motion, Ordered, That the Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Security of this Province, which was prepared by this House, and sent to the Upper House; also the Amendments proposed by the Upper House to the said Bill, and the Message sent from the Upper House in Answer thereto, and the Resolution of this House thereupon, be printed altogether.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

On Reading the Governor's Message of this Day, Ordered, That an Address be prepared to his Excellency, in Answer thereto: And that Col.° Tilghman, Mr. Murdock, and Mr. Matthew Tilghman, do prepare and bring in an Address accordingly.

p. 419 The House adjourns until the Morrow Morning at 9 of the Clock.

April 30

Saturday, 30th April, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Major Hyland.

On Reading the Report from the Committee of Grievances and Courts of Justice, brought in on the 28th Instant, the House concurs therewith. And,

L. H. J.
Liber No. 48
April 30

Ordered, That an Address be prepared to Request his Excellency, to direct a Prosecution against the School-Master complained of in the said Report. And,

That Mr. Hammond, Mr. Carroll, and Mr. Murdock, do prepare and bring in an Address accordingly.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Mr. Carroll brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the more immediate Defence and Security of the Inhabitants on the Western Frontier of this Province; which was Read the first and second Time by an especial Order, and will Pass; and was sent to the Upper House by Col. Henry and Mr. Carroll.

On Motion, the Question was put, Whether this House will allow any Account against the Public, for Articles furnished the Companies of Militia, in Baltimore, Kent, and Cecil Counties, at the Time of the Alarm in November, 1755, or Not? Resolved in the Affirmative.

For the Affirmative,

Hynson,
Williamson,
Wallis,
Worthington,
J. J. Mackall,
Jenifer,
Dennis,
J. Goldsborough,
M. Tilghman,
Edmondson,
Gray,
Tolley,
Govane,
Earle,
Ward,
Murdock,
Lloyd,
Casson,
Henry.
19

For the Negative,

Reeder,
Hammond,
Gassaway,
Carroll,
Fraser,
Gantt,
E. Tilghman,
Bracco,
Scarborough,
Beall,
Sprigg.
11

The House adjourns until Monday Morning at 9 of the Clock.

Monday, 2d May, 1757.

May 2

The House met according to Adjournment, &c.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

L. H. J. Liber No. 48 May 2 Mr. Walter Dulany appeared in the House.

His Excellency the Governor communicated to Mr. Speaker the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

When I was at Philadelphia, I took occasion to Represent to the Earl of Loudoun, the Case of the Inhabitants of this Province, whose Horses and Carriages were taken for his Majesty's Service, by the Army that marched from our Frontiers under the Command of p. 420 General Braddock: By the unhappy Event of the Expedition which that Gentleman was engaged in, many of the Horses and Carriages were, you know, lost or destroyed. Orders were indeed issued some Time afterwards, by General Shirley, for satisfying the Owners of them; but the Time allowed them by the Commissaries, to carry in their Accounts, was so short, that few of our People could receive any Benefit from such Orders. His Lordship was, upon my Representation, pleased to express a good deal of Concern for the poor Peoples Misfortune, but said, It was not in his Power to Order them Payment. I am sorry I met with no better Success in such my Application to his Lordship: But as I understand that you have now prepared a Bill for the Relief of the Inhabitants of this Province, whose Servants have been Enlisted into his Majesty's Forces, and as the abovementioned People are really greater Losers, and have at least as much Reason as these to hope you will be touched with their Sufferings, I recommend their Case to your Consideration, and flatter myself you will not decline making proper Provision for their Relief.

May 2, 1757. Hor°. Sharpe.

Which was Read, and Ordered to lie on the Table.

The Accounts from Kent County, relating to the Expences disbursed in November, 1755, at the Time of an Alarm, were severally Read and Referred to the Consideration of next Assembly.

On Reading the Account of Henry Callister, of Talbot County, the Question was put, Whether the said Account, or any Part of it, be Allowed? Resolved in the Negative.

Mr. Lloyd brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Relief of certain Languishing Prisoners in the several County Goals therein mentioned; which was Read the first Time, and Ordered to lie on the Table.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Carroll brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

L. H. J. Liber No. 48 May 2

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for the more immediate Defence and Security of the Inhabitants on the Western Frontier of the Province; Indorsed, By the Upper House of Assembly 30th April, 1757. Read the first time and ordered to lie on the table and thus By the Upper House of Assembly, 2d May, 1757. Read the second Time, and, with the Amendments proposed in a Schedule herewith sent, will Pass.

Signed ℘ Order. J. Ross, Cl Up Ho

And the following Schedule, viz.[t]

By the Upper House of Assembly, May 2, 1757.

[This Schedule printed in Upper House Journal pp. 34-37]

p. 423

Upon Reading the Indorsement made by the Upper House on the Bill aforesaid, and the Schedule therein Referred to, it is Unanimously Resolved, That the Proposals of the Upper House, specified in the said Schedule, are Irregular and Unparliamentary; and this House cannot, consistently with their Rights and Privileges, even take them into further Consideration, as it is not only their undoubted Right that all Bills, for Grants of Aids or Supplies, should begin in this House, but that the Sum, Appropriation, and Qualification of such Grants, ought not to be altered or changed by the Upper House; and as from the Abundance and Variety of Matter, and Difference of Design, expressed in the said Proposals, from the Addition of a new Sum, and new Purposes, for which the whole is to be applied, they may be more justly term'd the Draught of a new Bill than Amendments to an old one; upon the Whole, Resolved Unanimously, That the said Proposals of the Upper House are an Innovation and Infringement upon the ancient and uncontroverted Right of this House, and an Attempt ultimately to arrogate to themselves a Power of Forming Money-Bills, which, if once established in them, would be the manifest Destruction of one of the most valuable Privileges of this House.

On Motion, Ordered, That the last mentioned Bill, with the several Indorsements thereon, and the Schedule sent with the said Bill from the Upper House, be Printed in the votes and Proceedings.

p. 424

Benedict Calvert, Esq;[r] from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for the Relief of sundry Inhabitants of this Province, who have had their Servants Enlisted into his Majesty's Service; Indorsed, By the Upper House of Assembly 29th April 1757. Read the first time and ordered to lie on the table and thus By the Upper House of Assembly, 2d May, 1757. Read the second Time, and will Pass.

Signed ℘ Order. J. Ross, Cl Up Ho.

L. H. J. Liber No. 48 May 2

Which Bill was Read here, and Passed for Ingrossing.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.t

To his Excellency Horatio Sharpe, Esq;r Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

The Case of Capt. Joshua Beall, and his Officers, Represented to us by your Excellency, in your Message of the 29th of April last, we apprehend would come more properly before the Agents appointed by the Act you are pleased to mention.

We cannot find any such Account of Mr. Middleton's, as your Excellency is pleased to say, you laid before us the 16th March, 1756; therefore presume it may have been withdrawn. And we apprehend we cannot be justified in Resolving to Reimburse your Excellency your Disbursements, for Services done by your Order for the Public, till an Account thereof is laid before us, or fully to determine upon any other Claims you may have against the Public, till the Particulars thereof appear.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Col. Henry and Mr. Dennis do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify, he would be ready to receive the Address immediately in the Council Chamber.

Ordered, That Mr. Lloyd, with Three more, do present the Address to the Governor.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.t

To his Excellency Horatio Sharpe, Esq;r Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

Your Excellency will find, by the Report and Depositions herewith sent, that some Persons professing the Roman Catholic Religion, have taught, and one doth still teach, School, within this County; p. 425 and as we have Reason to believe there are many such Schools, established in the different Counties of this Province, and have not now Time to make a full Enquiry, we request your Excellency would be pleased to direct the Statutes of our Mother Country in Force

L. H. J.
Liber No. 48
May 2

in this Province, guarding against such Offences, to be carried into Execution; whereby a Stop may be put to an Evil, which, if not timely prevented, may be productive of great Mischief to the good People of this Province.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Murdock and Capt. Williamson do acquaint the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify that he would receive the Address immediately in the Council Chamber.

Ordered, That Col. Scarborough, with Three more, do present the Address to the Governor.

Col. Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An additional Supplementary Act to the Act, entituled, An Act for the Encouragement of such Persons as will undertake to Build Water-Mills; which was Read the first and second Time by especial Order, and will not Pass.

The House adjourns until the Morrow Morning at 9 of the Clock.

Tuesday, 3d May, 1757.

May 3

The House met according to Adjournment: All the Members appeared as Yesterday, except Major Travers.

Mr. Lloyd brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

On Motion, That a Bill be prepared and brought in, To prevent the Exportation or Carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the French, or their Allies:

Ordered, That Col. Tilghman, Mr. Carroll, Mr. Matthew Tilghman, and Mr. Govane, do prepare and bring in a Bill accordingly.

On Motion, the Question was put, That a Bill be brought in, For his Majesty's Service, and the Protection of the Back Inhabitants of this Province. Resolved in the Affirmative.

L. H. J.
Liber No. 48
May 3

For the Affirmative,

Hynson,
Williamson,
Jenifer,
Dennis,
Goldsborough,
Edmondson,
Gray,
Govane,
Ward,
Murdock,
Paca,
Gantt,
Dulany,
Casson,
Bracco,
Scarborough,
Henry,
Beall,
Sprigg.

[19]

For the Negative,

Reeder,
Wallis,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
M. Tilghman,
Tolley,
Earle,
Fraser,
Lloyd,
E. Tilghman.

[13]

p. 426 In Pursuance of the Resolution of the foregoing Question:

Ordered, That Col. Tilghman, Mr. Murdock, Mr. Matthew Tilghman, Mr. Carroll, Mr. Goldsborough, and Mr. Williamson, do prepare and bring in a Bill accordingly.

On Motion, the Question was put, Whether it shall be given as an Instruction to the Committee appointed for drawing the Bill, entituled, An Act for his Majesty's Service, and for the Protection of the Back Inhabitants of this Province, That the Destination of the Forces, to be raised by such Bill, be in the same Manner as was mentioned in the Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Security of this Province, or Not? Resolved in the Affirmative.

For the Affirmative,

Reeder,
Hynson,
Williamson,
Wallis,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Dennis,
Goldsborough,
M. Tilghman,
Edmondson,
Gray,
Paca,
Tolley,
Govane,
Earle,
Ward,
Murdock,
Fraser,
Gantt,
Lloyd,
E. Tilghman,
Scarborough,
Beall,
Sprigg.

[27]

For the Negative,

Jenifer,
Dulany,
Casson,
Bracco,
Henry,

[5]

The House adjourns until the Morrow Morning 9 of the Clock.

Wednesday, 4th May, 1757.

L. H. J.
Liber No. 48
May 4

The House met according to Adjournment, &c.

Mr. Reynolds appeared in the House.

Mr. Lloyd brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq;[r] Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

It gives us great Concern whenever we find ourselves under a Necessity of applying to your Excellency for Redress in any Case, but more especially in the present, as we can't avoid complaining, that former Addresses on the like Occasions have not been so much regarded as we thought we had Reason to hope they would be; and we must particularly observe that nothing has been done, till very lately, in Consequence of our Address of the 9th of October last, " that your Excellency would be pleased to direct the Bonds of the several Sheriffs and Clerks, who had failed in their Duty, to be forthwith put in Suit after the then next Provincial Court, that the large Sums, due from many of them to the Public (and some of them of long standing) might be secured: " We were induced to give them till that Time, from the Hopes we had, that the Notice they would receive from that Public Application made to your Excellency, would be such a Warning as would have urged them to an immediate Compliance; but as we find, by the Report of the Committee of both Houses, appointed this Session to Inspect the Office and Proceedings of the Commissioners for Emitting Bills of Credit, p. 427 established by Act of Assembly, an Extract of which we herewith lay before your Excellency, that very few, if any of the Matters heretofore complained of, are Redressed, we flatter ourselves that your Excellency will excuse us for all the Trouble which this Application will occasion you, when you consider us, till very lately, little acquainted with the Calamities and Expences of War, and consequently put to great Difficulties to find out the most proper Methods, Ways, and Means, to support the carrying on any Designs formed for our Protection and Security. We find many incident Expences daily accruing, which, from Inexperience, we could not foresee, and must necessarily make Provision for: And we clearly perceive, that unless the several Laws we have already made, for Raising Money, be duly and strictly observed, and put in Execution, we shall shortly find the Freeholders of this Province burthened with a heavy and unequal Tax. It is truly discouraging to us to find, that many of the Officers that have been, and now are employed in the Collection of the Public Money, should act in such a Manner as affords us too

L. H. J. Liber No. 48 May 4 much Room to apprehend they think themselves secure under the notorious Fraud of Pocketing it; and in others (who can't plead Ignorance of the Laws) such an Omission of Duty as we could not suspect, and which your Excellency will observe by the Report, in Regard to the Conduct of the Naval-Officers of Patowmack and Port Annapolis, who, notwithstanding they have received the Duty upon Servants for Seven Years and upwards from many Masters of Vessels, have nevertheless omitted to receive it from others, because (as we presume) they have Entered them under the Title of Convicts, tho' the Duty on such Servants is required to be paid at the Time of Entry; and we conceive to have been the Duty of those Officers to have refused to have Entered such Vessels, until the said Duty was paid down, and not to have taken any Impost-Bond for it; which, if they did, is an Indulgence unknown to the Law, and for which, we apprehend, the Naval-Officers ought to be answerable.

Upon the whole, we think it our indispensible Duty now earnestly to Request, that your Excellency will be pleased to give Directions, that the Office-Bonds, not only of the abovementioned Naval-Officers, but also of all such other Officers as appear, by the said Extract, to have neglected to pay in the Public Monies, or to have Credited the Public for what has been paid in, or any Way to have failed in Point of Duty, be forthwith put in Suit, and that the proper Steps to compel them to a speedy Compliance, may be vigorously pursued. And here we cannot omit particularly mentioning the Behaviour of the Commissioners of the Paper-Currency-Office, in not giving Credit for the Monies paid into that Office by Messieurs Trippe, Porter, and Bradford, as appears by a Transcript from the Provincial Court Proceedings herewith laid before your Excellency, as to Trippe, and as to the others may appear by said Court Proceedings, which we would have laid before your Excellency also, had they been sent up to us as Ordered. And we beg Leave on this Occasion to observe, that one of the Office-Bonds of Turner Wootton, late Sheriff of Prince-George's County, we are informed, is not to be found: This we conceive to be such a Neglect, that your Excellency will cause strict Enquiry to be made into it.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

p. 428 On Motion, That a Committee be appointed to examine the Books and Accounts of the Agents appointed by the Act for Raising £40,000 &c.

Ordered, That the Committee for Inspecting the Accounts and Proceedings of the Commissioners of the Paper-Currency-Office, &c. do examine the Books and Accounts of the said Agents, and make Report thereof to the House.

The Bill, entituled, An Act for the Relief of certain languishing Prisoners in the several County Gaols therein mentioned, was Read the second Time, and will Pass; and was sent to the Upper House by Capt. Gassaway and Capt. Tolley. L. H. J. Liber No. 48 May 4

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

His Excellency communicates to Mr. Speaker the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

I am of Opinion with you, that the Agents are impowered by the Law, whereby themselves were appointed, to Reimburse Capt. Beall, and hope they will no longer refuse to do so. Mr. Middleton's Account, for bringing some of the late Inhabitants of Nova-Scotia from Annapolis to this Place, that I laid before you, was never withdrawn to my Knowledge: However I kept a Copy thereof, which I now send you, together with the other Accounts, that, by my Message of Friday last, I gave you Room to expect.

4th May, 1757. Hor°. Sharpe.

Which was Read, and Ordered to lie on the Table.

Mr. Goldsborough brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province; which was Read the first and second Time by an especial Order, and will Pass; and was sent to the Upper House by Mr. Goldsborough, and Five more.

On Reading and Considering the Governor's Message of the second Instant: Ordered, That an Address be prepared to his Excellency thereon; and that Col. Tilghman and Mr. Carroll do prepare and bring in an Address accordingly.

The House adjourns until the Morrow Morning at 9 of the Clock.

Thursday, 5th May, 1757. May 5

The House met according to Adjournment, &c.

Ordered, That Mr. Edmondson and Mr. Bracco do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would receive the Address immediately at his House.

Ordered, That Col. Henry and Mr. Casson do present the Address to the Governor. p. 429

L. H. J. Liber No. 48 May 5

On Motion, Resolved, That this House do not proceed on any new Business of any Kind this Session after this Day.

On Motion, the Question was put, That the Governor's Accounts, relating to his Expences on Two Journeys to the Northward, be Referred to the Consideration of next Session of Assembly. Resolved in the Affirmative.

His Excellency the Governor communicates to Mr. Speaker the following Message, viz.^{t}

Gentlemen of the Lower House of Assembly,

Inclosed you have a Letter or Message, which has been sent to me by some Cherokee Indians, who, upon an Invitation given them last Year by Governor Dinwiddie, have declared in our Favour, and are determined, if they meet with proper Encouragement, to act in Conjunction with our Troops against the French and their savage Allies. As you all know how useful Indians are to the Party whose Cause they espouse, and how formidable to those against whom they wage War, I shall not enlarge on the Services that these People may do us at this Time, not doubting but you will agree with me on the Expediency of securing them in our Interest, and enable me to send them an agreeable Answer, by accompanying it with a Present. I presume you will think, that the least Thing we can do for them, during their Stay on our Frontiers, is to have them supplied with Victuals and such Necessaries as they may stand in Need of: And as Mr. Ross has already delivered Provisions to Sixty-two of these People, who are at Fort Frederick, in Confidence that such a Step would meet with our Approbation, I hope you will provide for his being paid for the same.

5th May, 1757. Hor°. Sharpe.

And the following Letters or Messages, viz.^{t}

To the Governor of Maryland.

Fort Frederick, April 29, 1757.

Brother of Maryland,

This Day came into your Province, with a Company of our Nation, on our Way to War against the French Shawanese, and all their Indians, hearing they had kill'd some of our Brothers, not knowing when we set off from Winchester but the Murder was committed in Virginia; but coming to this Fort, found we were in another Province; and on being informed by Capt. Beall, that our Brother, the Governor of this Province, had a real Love for our Nation, and that he had provided Cloaths for our Nation, tho' unacquainted with us, I have just now held a Council with my young Warriors, and has concluded to write to you, to acquaint you, our Brother, our Design of coming into this Country was hearing from our good Brother, the Governor of Virginia, that it was the Desire of our Father King George, that we would join the English in War against the French and their Indians. On hearing this News, we immediately took up the Hatchet against the French and their Indians, and hold it fast till we make use of it, which I expect will be in a few Days. We intend to set out immediately from this Fort, and immediately on our Return expect to meet you our Brother here, to make ourselves acquainted with you. If you can't come yourself, you will send one of your beloved Men with your Talk, which we will look upon as from your own Mouth. I hope you will let the Province of Pennsylvania know, that I am come this Length to War, and if they are in Need of our Assistance, I have Men plenty at home, and will not think it troublesome to come and fight for our Brothers. I set off from home with 150 Men, Part of which is gone to Fort Cumberland, Forty more by this is come to Winchester. Our People will be so frequent among you, that I wish you may not think us troublesome. Our Hearts ache to see our Brothers Bones scattered about the Country; but you will hear in a short Time we have got Satisfaction for our Brothers; and in Confirmation of what I have spoke, I have sent you these few white Beads to confirm my Regard to this Province: Likewise I have sent you these black Beads to convince you, that I have taken up the Hatchet against all the English Enemies. We intend to stay as long amongst our Brothers as there is Use of us. I hope our good Brother will not be backward in providing Necessaries for us. I have sent you a List of what is useful for us; and has got our good Friend Mr. Ross to carry this Letter to you, which we shall always acknowledge as a particular Friend to us. As we expect to see you soon, we will add no more at present; but remain

L. H. J.
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Your loving Brother,
his
Wahachy ⁀ of Keeway.
Mark.

This is the Truth, taken from the Head Warrior.
Richard Pearis.

To the Catawbas.

Brothers,

Yesterday I came to Fort Frederick, and this Morning I received an Account of your bad Success at War last Winter when you went out; you lost all your White Men, now I understand you have lost Seven more, which I look upon you ought not to rest long till you go again, and have Satisfaction. I am informed you are going home, but I desire, as you are like my own People, that you may not go home till we have Revenge for our Brothers the English. I expect in a few Days to overtake the Party of Enemy that has committed

L. H. J. Liber No. 48 May 5 the Murders here: They kill'd 9 White Men since they kill'd the Jacks. The next News I expect to acquaint you with, that we have got Satisfaction for the Murders they have committed; and will join you, with the rest of my People, as soon as possible. I remain,

Your loving Brother,
his
Wahachy –^– of Keeway.
Mark.

p. 431 Which were severally Read, and Ordered to lie on the Table.

Mr. Carroll brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province; (Indorsed), "By the Upper House of Assembly, 5th May, 1757. Read the first and second Time by an especial Order, and will Pass.

Signed ꝑ Order. J. Ross, Cl. Up. Ho.

And the Bill, entituled, An Act for the Relief of certain languishing Prisoners in the several County Gaols therein mentioned; Indorsed, By the Upper House of Assembly 4th May 1757. Read the first time and ordered to lie on the table and thus by the Upper House of Assembly, 5th May, 1757. Read the second Time, and will Pass.

Signed ꝑ Order. J. Ross, Cl. Up. Ho.

Which Bills were severally Read here, and Passed for Ingrossing.

The Petition of the Inhabitants of Baltimore-Town, &c. was Read and Referred to the Consideration of the next Session of Assembly.

On Reading and Considering his Excellency's Message of this Day, Resolved, That the Sum of 100 l. be taken out of the Treasurer of the Eastern Shore, his Hands, and be sent as a Present to the Indians mentioned in the said Message.

On Motion, Ordered, That Col. Tilghman, Mr. Hammond, and Col. Henry, do prepare and bring in an Address to his Excellency in Answer to the said Message.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland: L. H. J. Liber No. 48 May 5

The humble Address of the House of Delegates.

May it please your Excellency,

Your kind Representation to the Earl of Loudoun, of the Case of the Inhabitants of this Province, whose Horses and Carriages were taken for his Majesty's Service, by the Army that marched from our Frontier, under the Command of General Braddock, demands our sincerest Thanks; and we cannot but join in Sorrow with your Excellency, that his Lordship has it only in his Power to express his Concern at those poor Peoples Misfortunes, and not to order them the Payment so justly due.

As Orders were issued by General Shirley for satisfying the Owners of such Horses and Carriages as were lost and destroyed, by the unhappy Event of the Expedition in which General Braddock was engaged, we must presume there was a Fund provided sufficient for that Purpose; and that tho' the Time allowed for those poor People to bring in their Accounts was so short, that few of them cou'd receive any Benefit from such Orders, yet certainly the Justice of their Claims remains; and we cannot but entertain Hopes, from the benevolent Disposition of the Earl of Loudoun, that he will use his Endeavours to procure himself a Power of doing an Act, which p. 432 will afford him so much Pleasure as Relieving the Distressed.

It is true that we have prepared a Bill for the Relief of the Inhabitants of this Province, whose Servants have been Enlisted into his Majesty's Forces, in Hopes, nevertheless, that his Majesty will be graciously pleased to order, that whatever Sums this Province may pay on that Account, may be Refunded: But we find Claims against the Public so numerous, and so large, that we are much at a Loss how to make Provision for them all; and we cannot think ourselves excusable in further allowing any that ought, in all Justice and Equity, to be satisfied elsewhere.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Gray and Mr. Reeder to acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify, he would be ready to receive the Address immediately at his House.

Ordered, That Capt. Tolley and Capt. Ward do present the Address to the Governor.

Mr. Govane brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to prevent the Exportation or Carrying out of this Province,

L. H. J. Liber No. 48 May 5 Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the French, or their Allies; which was Read the first and second Time by an especial Order, and will Pass; and was sent to the Upper House by Mr. Matthew Tilghman and Mr. Gray.

On Motion, That a Bill be brought in, to take out of the Paper-Currency-Office a Sum of Money to discharge the Accounts, which remain unsatisfied to the several Persons who advanced for Provisions, &c. for the Baltimore and Anne-Arundel County Companies of Militia, detached to the Western Frontier of this Province; and that the same be repaid to the Commissioners or Trustees of the Paper Office, by an Allowance in the Journal of Accounts; Leave is given.

Ordered, That Mr. Murdock, Mr. Matthew Tilghman, Mr. Bracco, Mr. Dulany, and Mr. Carroll, do prepare and bring in a Bill accordingly.

The following Message, viz.^t

By the Lower House of Assembly, 5^th^ May, 1757.

May it please your Honours,

This House doth propose, That the Sum of One Hundred Pounds Current Money should be paid to the Governor, by the Treasurer of the Eastern Shore, to be delivered as a Present to the Indians said to be now at Fort Frederick; and desire your Concurrence to an Ordinance for the Payment of that Sum by the said Treasurer.

Signed ꝑ Order, M. Macnemara, Cl Lo Ho

Was sent to the Upper House by Mr. Reynolds and Mr. Sprigg.

p. 433 The House adjourns until the Morrow Morning at 9 of the Clock.

May 6 Friday, 6th May, 1757.

The House met according to Adjournment, &c.

Mr. Lloyd brings in and delivers to Mr. Speaker an Ingrossed Bill, entituled, An Act for the Relief of sundry Inhabitants of this Province, who have had their Servants Enlisted into his Majesty's Service. And,

An ingrossed Bill, entituled, An Act for the Relief of certain languishing Prisoners in the several County Gaols therein mentioned.

Which Bills were severally Read and Assented to, and sent to the Upper House, with the Paper Bills thereof, by Major Hynson and Mr. Gray.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

On Motion, That an Address be prepared to his Excellency, in Answer to his Message of the 12th of April last: L. H. J. Liber No. 48 May 6

Ordered, That Col. Tilghman, Mr. Hammond, and Mr. Murdock, do prepare and bring in an Address accordingly.

Benedict Calvert, Esq;[r] from the Upper House, delivers to Mr. Speaker, the following Message, viz.[t]

By the Upper House of Assembly, 6th May, 1757.

Gentlemen,

In Answer to your Message of Yesterday, by Messieurs Reynolds and Sprigg, this House agrees to an Ordinance, impowering the Treasurer of the Eastern Shore to pay One Hundred Pounds Current Money to the Governor, to be delivered as a Present to the Indians now at Fort Frederick.

Signed ℘ Order. J. Ross, Cl. Up Ho.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

In Answer to your Message of the 12th April, 1757, tho' it may be thought by the Earl of Loudoun for his Majesty's Service, that Fort Cumberland shou'd be Garrisoned, yet were his Lordship made clearly sensible of the Situation of that Fort with respect to our Frontier Inhabitants, we are fully persuaded he would not think it reasonable the People of this Province shou'd be burthened with the Expence of supporting a Garrison there; and we are Resolved not to pay for subsisting or maintaining any Forces that may be posted at that Fort. We are sorry we cannot express an Approbation of your Excellency's Instruction to Capt. Dagworthy, to march with a Detachment from the Maryland Forces to Garrison Fort Cumberland; and more especially when we reflect, that immediately after the Removal of Capt. Dagworthy from Fort Frederick (as we are informed) a Party of Indians came down among the Inhabitants, and committed several Murders, which probably would not have happened had Capt. Dagworthy's Men been Ranging about the Frontier, as by the Act, which which they were supported, they ought to have been. p. 434

Which being Read, the Question was put, Whether the said Address be Altered, or Not: Resolved in the Affirmative.

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Liber No. 48
May 6

For the Affirmative,

Reeder,
Hynson,
Williamson,
J. J. Mackall,
Jenifer,
Dennis,
Gray,
Goldsborough,
Tolley,
Govane,
Earle,
Ward,
Murdock,
Dulany,
Casson,
Bracco,
Scarborough,
Henry.
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For the Negative,

Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
M. Tilghman,
Edmondson,
Paca,
Fraser,
Gantt,
Lloyd,
E. Tilghman,
Beall,
Sprigg.
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In Pursuance of the aforegoing Resolution,

On Motion, the following Words were Ordered to be left out of the said Address, viz.^{t} And we are Resolved not to pay for subsisting or maintaining any Forces that may be posted at that Fort; which Words being left out, the Address was Indorsed, Read, Approved, and Ordered to be Ingrossed.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

The House met according to Adjournment, &c.

Mr. Mackall and Mr. Earle have Leave to go home.

Col. Tilghman brings in and delivers to Mr. Speaker, an Ingrossed Address; which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Paca and Capt. Gantt do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify, he would receive the Address immediately at his House.

Ordered, That Mr. Edmondson and Mr. Sprigg do present the Address to the Governor.

The following Ordinance, viz.^{t}

An Ordinance.

For the Encouragement of the Indians (now at Fort Frederick) to Range on the Western Frontier of this Province; It is Ordained by his Excellency the Governor, and the Upper and Lower Houses of Assembly, That Col. Edward Lloyd, Treasurer of the Eastern Shore of this Province, shall pay to his Excellency the Governor, or to his Order, the Sum of One Hundred Pounds Current Money, out of the Public Money now in his Hands, to be by his Excellency laid out and disposed of, as a Present to the Indians now at Fort Frederick, in such Goods as he shall judge most proper. Read and Assented to by the Lower House of Assembly. L. H. J. Liber No: 48 May 6

6th May, 1757.

Signed ꝑ Order. Henry Hooper, Speaker.

Was Read and Assented to, and, being Signed, by Order of the House, by the Honourable Speaker, was sent to the Upper House by Mr. Williamson and Mr. Worthington. p. 435

On Motion, Ordered, That all Accounts against the Public, shall be from henceforth Proved in due Form of Law, otherwise they will not be received by this House; and that Notice hereof be Printed in the Gazette, or Weekly Paper, Printed by Mr. Jonas Green: And, That the Clerk of this House do acquaint the Printer with this Order.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the speedy Payment of sundry Persons therein mentioned; which was Read the first and second Time by an especial Order, and will Pass; and was sent to the Upper House by Mr. Bracco and Mr. Beall.

Mr. Goldsborough brings in and delivers to Mr. Speaker, the Journal of Accounts; which was Read and Assented to, and sent to the Upper House by Mr. Goldsborough, and Two more.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We think it our indispensible Duty to make use of this Opportunity of Remonstrating to your Excellency (tho' we cannot do it without much Reluctance) on the Subject of your Message of the 25th March, 1755, in Relation to the Conduct of Mr. Justice Rawlings (whose Character, as we understand the Gentleman is now dead, we are extremely sorry to bring again to public View); which we should have done long before, had not we thought proper that his Majesty's Service, and our own immediate Security against our Foreign Enemies, should almost entirely engage our Attention.

The Representation and Request, which, by our Address of the 15th March, 1755, we made on that Subject, we did hope would have had their due Weight; and were much surprized at your Excellency's intimating to us your Opinion, not only that Mr. Rawlings

L. H. J. Liber No. 48 May 6 was not so culpable as our Committee seemed to have imagined, but that he did not appear to have been Guilty of any Misdemeanour whatever. We most humbly intreat your Excellency's Patience while we recapitulate the Affair.

The Report of the Committee and annexed Papers, which were laid before your Excellency, were as follows:

By the Committee of Grievances and Courts of Justice,
February 28th, 1755.

Upon the Representation of Mr. Henry Wright Crabb, one of the Members of the Honourable House, that a certain John Rawlings, Gentleman, one of the Justices of the Peace for Frederick County, had, under Colour of such his Office, caused one Thomas Kelley, a Freeholder of the same County, to be taken up for a Soldier, and that without any Application to him made by any Officer or Officers p. 436 thereto authorized by an Act, entituled, An Act for taking and detaining able-bodied Men for his Majesty's Service, and contrary to the Tenor of the same Act: As also that he the said Rawlings, by his Letter dated the 23d Day of December last past, directed to Messieurs Lynn, Jones, and Prather, Justices of the same County, hereunto annexed, had granted his Warrant to William Spiers, against a certain Benjamin Harris, for the Sum of Two Pounds Ten Shillings, when at the same Time he by the said Letter confesses there was a greater Sum due to the said Spiers from the aforesaid Harris. And further that he the aforesaid John Rawlings did, on the 4th Day of January last, commit a certain John West to the Sheriff of the same County by an illegal Mittimus, a Duplicate of which is hereto annexed. All which Actings of the said Rawlings, your Committee conceive to be contrary to Right and Law: But is humbly submitted to the Consideration of your Honourable House.

Signed ꝑ Order. William Wilkins, Clerk.

Mr. Lynn, or Mr. Jones, or Mr. Prather.

Gentlemen,

As I have issued a Warrant against Benjamin Harris, at the Suit of William Spiers, for Two Pounds Ten Shillings, desire that you will not sign up a Judgment against the Plaintiff, for to my Knowledge he has been very ill used by Harris; and I verily believe that Debt to be just, and more if he could bring it under a Warrant.

Am your very humble Servant,

December 23d, 1754. John Rawlings.

Frederick County ss.[t]

Take into your Custody the Body of John West, junior, and him safe keep in your Gaol till he has given you Security for his Appearance on the Third Tuesday in March, 1755, at Frederick County Court, in the Sum Twenty Pounds, to answer the Complaint that I shall make against him. Fail not at your Peril. Given under my Hand and Seal this 4th Day of January, 1755. L. H. J. Liber No. 48 May 6

John Rawlings. L. ● S.

To Samuel Beall, Esq;^{r} Sheriff.

You are to receive the said John West, junior, by the Hands of Luke Bernard, Constable.

Frederick County, ss.^{t}

Take into your Custody the Body of John West, junior, and him have before me for destroying my Warrant against sundry Persons that I sent for to serve his Majesty. Fail not at your Peril. Given under my Hand and Seal this 3d Day of January, 1755.

John Rawlings L. ● S.

To Luke Bernard, Constable.

Mr. Bernard,

You must go and serve it To-morrow Morning.

We humbly presume your Excellency, upon re-considering this Matter, cannot but be of Opinion, that Mr. Rawlings's issuing a Warrant for £2.10. when he verily believed, as he says in his Letter, that Debt to be just, and more if the Plaintiff could bring it under a Warrant, is contrary to Right, as the foregoing Report mentions; for if it were in the Power of Justices of the Peace to Divide Debts, properly recoverable before the County Courts, so as to bring them under their Cognizance singly out of Court, the Use of Juries in Cases of Meum and Tuum, would be mostly at an End, and consequently the People deprived of one of the most valuable of their Rights: And that such Acting is against Law, we presume every Gentleman of that Learned Profession will readily advise your Excellency.

p. 437 That all Commitments, without the Cause expressed, are against both Law and Right; and have been practised and endeavoured to be established in our Mother-Country only in Times when Arbitrary Power made it's strongest Efforts for the Destruction of our most happy Constitution, is so well settled a Point, that we cannot suppose your Excellency will desire us to mis-spend Time in giving Instances of it.

We are much concerned that the Narrative of an Officer, represented to your Excellency by this House as Guilty of Misbehaviour, should have more Weight with you, than our Determination on a full Examination of his Conduct, by Means of several Witnesses, as far as we could learn, disinterested, and to whose Veracity, or the Matters deposed by them, that Officer did not before us make the least

L. H. J. Liber No. 48 May 6 Objection. And we beg Leave to assure your Excellency, that Mr. Rawlings, in his Actings mentioned in the Report of our Committee, appeared from such Evidence beyond a Doubt, to have been moved by his Prejudices, and hurried on by his Passions, rather than guided by his Understanding, and directed by his Knowledge.

Your Excellency observed in Favour of Mr. Rawlings (as you was pleased to say) as he did not insist on it himself, that he was indeed applied to by a Commissioned Officer, before he proceeded to issue his Warrant against that Kelly, who was represented to be a Person liable to be impressed for his Majesty's Service by the late Act. We can only now say, that if this was truly the Case, Mr. Rawlings was much wanting to himself in not denying the contrary when laid to his Charge before this House.

Your Excellency was further pleased to say, Mr. Rawlings's Desire that his Conduct might be examined into in a legal Manner, by a proper Court of Judicature, which might punish his Offence, if he had transgressed the Laws, or manifest his Innocence if he was without Offence, did not seem to betray any Consciousness of Guilt, and that indeed, from the Papers that had been submitted to your Excellency, and his own Asseverations, you must confess, and must observe as much to us, that it did not, as you before hinted, then appear to you, that he had been Guilty of any Misdemeanour whatever. It is no Wonder, May it please your Excellency, that Mr. Rawlings, considering the Impotence of the Person injured, and the Power of his Friends, and well knowing his Conduct must undergo a public parliamentary Enquiry, should be desirous that it should rather come under that of any other Jurisdiction: He must naturally suggest to himself (if not, Council could advise him) that if the Matters alledged against him, were brought before any inferior Court, he might not be without a Chance at least of making a private Composition, of which he must despair in Case an Enquiry of the Nature of that which has been made, was once set on Foot, because he well knew, public Justice would there be satisfied, future Misbehaviour would there be guarded against.

As to Mr. Rawlings's Asseverations (for we presume we have shewn that from the Papers his Conduct was blameable) we must humbly take the Freedom to observe, that what they were your Excellency alone can know; but that if the Asservations of Public Officers, accused to your Excellency by this House of having abused his Majesty's good Subjects of this Province, in the Execution of their Trusts, are to have more Weight with your Excellency than p. 438 the Representation of this House, founded on careful Examinations, it wou'd seem to be discouraging that Public Enquiry, which the Nature of our Trust will nevertheless always indispensibly oblige us to make, into the Behaviour of all Persons intrusted with the subordinate executive Power of Government, from the Highest to the Lowest.

L. H. J.
Liber No. 48
May 6

We have always been well satisfied, May it please your Excellency, that it is very far from your Intent and Design to call in Question the Rights and Privileges of this House, and that you will regard it as your Duty, and will endeavour to preserve the Rights and Privileges of the People (which your Excellency very justly observes) are secured by, and dependant upon, the due Execution of the Laws, and not suffer them to be called upon or prosecuted out of the ordinary Course of Procedure. But, May it please your Excellency, as possibly the Rights and Privileges of this House may have been called in Question, and the Rights, Liberties, and Privileges of the People may possibly have been infringed without the least Shadow of an Intent or Design to do either, we must humbly beg Leave here, with Freedom and Candour, to lay open our Sentiments to your Excellency on this Occasion.

We are very clearly convinced of your Excellency's Desire and Endeavours to promote the Welfare and Happiness of the good People committed to your Care, as far as you can, consistent with the Powers given you; and it creates in us the deepest Concern, that notwithstanding your Excellency's Wishes and Intentions, so laudable, Acts should be done, which must, at least in their Consequences, have very contrary Effects; and we are at a Loss to what Cause to impute it, unless to the ill Advice and Council of some Persons, who have the Honour to be nearest your Excellency, together with the Misinformations and Misconstructions of the Conduct of this House, imposed upon your Excellency by others, whose too close attachment to their private Interests, creates in them too slight a Regard for the public Welfare.

And, May it please your Excellency, it may be proper to remark, that Mr. Rawlings was not called to appear before this House in his private Character, that is, merely as one of the good People of this Province, who we hope never will be prosecuted out of the ordinary Course of Procedure; but in his public Character, as a Person intrusted with a Share of the Power of executing the Laws in Being, for their good Order and Government; he was not called upon in Consequence of the Complaint of any private Person, in order to give such Person Damages for any Wrong Mr. Rawlings might have done him in his private Capacity, but upon the Representation of one of the Members of this House, in order that his Conduct, in his public Character, might undergo a parliamentary Enquiry; and either his Innocence be made manifest, or all bad Effects, which might flow from his Abuse of Power in his public Station, for the future, prevented, by his Misconduct being laid before your Excellency: And that Mr. Rawlings, in such his public Character, flood before

L. H. J. Liber No. 48 May 6 this House in the ordinary and constitutional Cause of Procedure, we flatter ourselves we shall be so happy as to satisfy your Excellency.

p. 439 That the supreme executive Power of the Government of this Province, is at present placed in the Hands of your Excellency, we with Pleasure acknowledge, and that by the Rules of our Constitution of Government, it is in the supreme Magistrate to branch out and subordinate that Power into a great Number of Offices and Trusts, supposed to be erected for the good Order and Benefit of the Community: But at the same Time we must humbly observe, that for the Conduct of every Individual, invested with such subordinate Power by the Supreme, he is in some Degree accountable to the Public, as he has the sole Power to appoint, and (as the Practice, has been here) at Pleasure to remove them. This being truly the Case, both here and in our Mother-Country (save that their Officers are not removeable at Pleasure) and the Supreme Magistrate being too often environed with Persons, whose Interests with, and Influence over him, depends upon their findings as Bars between him and all true Information, our Ancestors found it absolutely necessary to contend for, insist upon, and even in the worst of Times practise it as their undoubted inherent Right (and from which no Considerations could make them depart) by their Representatives in Parliament, freely to enquire into the public Conduct and Behaviour of all those who should be intrusted with any Share of that executive Power of Government, which they had, for the Good of the Whole, by original Compact, put into the Hands of One; and whenever Abuses of it were discovered, to have them punished; those in the Supreme by inflicting such Pains and Penalties on his Ministers, who were supposed to be his Advisers, and by whom he was supposed to act (for by our Constitution he was always supposed not to do Wrong) as were thought adequate to the Offences, and removing them for ever from his Councils; and those in the Inferior, by truly representing their Misconduct to the Supreme, and requesting him to have them dealt with, for their Offences, according to Law, and deprived of all Opportunity of longer exercising a Power to the Prejudice, which was put into their Hands for the Benefit, of the People, who had originally put themselves under his Protection.

It was, May it please your Excellency, in Consequence of this inherent indisputable Right, which we cannot, if we would, give up, and are Resolved not even to waive, that we troubled your Excellency with a Representation of the Conduct of Mr. Rawlings, as a Justice of the Peace for Frederick County, which, from his own Letter and Commitment, before mentioned, and from the Spirit of Revenge with which he appeared clearly to us, by the Testimony of disinterested Witnesses, to be actuated through the Whole, we thought sufficiently blameable, to deserve the mild Treatment he received from this House, and did hope in Return to our Address on that Subject, to have had the Pleasure of your Excellency's Approbation of our Conduct, and to have heard of Mr. Rawlings's Removal from his Trust, or at least of your Excellency's Caution to him to execute it uprightly for the Time to come; and were greatly disappointed by your Excellency's Recommendation to us, to forbear to meddle, for the future, with such Complaints as are (as your Excellency was pleased to say) if not groundless, relievable elsewhere, and the proper Objects for the Enquiry of another Jurisdiction; of which we flatter ourselves we have now satisfied your Excellency the contrary.

L. H. J.
Liber No. 48
May 6

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And we humbly beg Leave to declare to your Excellency, that we shall always, as we look upon it to be our indispensible Duty, and one great End of our Institution, and without which the Peoples Liberties will be but merely nominal, strictly enquire into, and freely represent, every Misconduct or Misbehaviour in the Administration of the Government, and Execution of the Laws of this Province, which we may discover tending to the Prejudice of the good People thereof, by whomsoever committed or suffered; still confident, from your Excellency's own good Intentions, and benevolent Disposition, you will always, for the future, exert all the Power you are invested with, to afford the People of this Province, his Majesty's good and loyal Subjects, an adequate Redress to every Grievance, which, by the Representation of their Deputies in Assembly, may be laid before you, in doing which, whatever Expence it may be to the Country, we can depend our Constituents will think it Money well laid out.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Hammond and Mr. Matthew Tilghman do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would receive the Address immediately at the Council Chamber.

Ordered, That Mr. Lloyd, and Five more, do present the Address to his Excellency.

Col. Henry brings in and delivers to Mr. Speaker, an Ingrossed Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province; which was Read and Assented to, and sent to the Upper House, with the Paper Bill thereof, by Mr. Lloyd and Col. Henry.

The House adjourns until the Morrow Morning at 8 of the Clock.

L. H. J.
Liber No. 48
May 7

Saturday, 7th May, 1757.

The House met according to Adjournment: The members were called and all appeared as Yesterday, except Mr. Mackall and Mr. Earle.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Address, viz.[t]

To his Excellency Horatio Sharpe, Esq;[r] Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We agree with you in the Expediency of securing the Indians to p. 441 the British Interest; and therefore, in order that your Excellency may send an agreeable Answer to the Letter or Message, which has been sent to you from some of them, who, by that Letter, appear to be now on our Frontier, accompanied with a Present, we have agreed to an Ordinance, for impowering the Treasurer of the Eastern Shore, to pay your Excellency One Hundred Pounds Currency, to be laid out in Goods proper to be given to those Indians. Whoever has supplied, or shall supply, those Indians with Provisions, while on our Frontier, shall be paid their reasonable Accounts.

We humbly crave Leave on this Occasion to observe, that the Catawba Indians having carried some Scalps to the Government of Virginia, where we understand the Reward for them is but Ten Pounds, and not having applied here, there seems Room to apprehend that these People are not informed of the Reward of Fifty Pounds per Scalp offered by this Government, and it is highly probable, from their Remoteness, that the Cherokees are as ignorant of it as they: We must therefore take the Freedom to request, that your Excellency will be pleased to Order, that both those Nations of Indians may be well informed of the aforesaid Reward offered by this Government, and that it may be also published in the Gazettes of all the neighbouring Colonies and Provinces.

We cannot, without some Uneasiness, remark, that your Excellency should keep the above Letter or Message in your Hands several Days, without communicating it to this House, which has prevented our throwing that Matter into a Bill, for his Majesty's Service, and our Security, during that Time under our Consideration, where it would properly have been placed, and would have saved our Time and Trouble in this Method, especially considering, that upon other Occasions, you have been pleased to lay Matters before us, recommending them as proper to be made Parts of Bills under our Consideration.

On Reading thereof, the Question was put, Whether the said Address shall be Altered, or Not? Resolved in the Affirmative.

L. H. J.
Liber No. 48
May 7

For the Affirmative,

Reeder,
Hynson,
Williamson,
Wallis,
Gassaway,
Worthington,
Reynolds,
Jenifer,
Dennis,
Goldsborough,
Edmondson,
Gray,
Paca,
Tolley,
Ward,
Murdock,
Casson,
Scarborough,
Henry,
Sprigg.
20

For the Negative,

Hammond,
Carroll,
M. Tilghman,
Govane,
Fraser,
Gantt,
Lloyd,
E. Tilghman,
Bracco,
Beall.
10

In Pursuance of the aforegoing Resolution,

On Motion the following Clause was Ordered to be left out of the said Address, viz.^{t} We cannot, without some Uneasiness, remark, that your Excellency should keep the above Letter or Message in your Hands several Days, without communicating it to this House, which has prevented our throwing that Matter into a Bill for his Majesty's Service, and our Security, during that Time under our Consideration, where it would properly have been placed, and would have saved our Time and Trouble in this Method, especially considering, that upon other Occasions, you have been pleased to lay p. 442
Matters before us, recommending them as proper to be made Parts of Bills under our Consideration; which Clause being left out, the Address was Indorsed, "Read, Approved, and Ordered to be Ingrossed."

On Reading the following Petition, viz.^{t}

To the Honourable the Representatives of the Freemen of Maryland, in Assembly convened.

The Petition and Remonstrance of Joseph Ensor, of Baltimore-Town, Merchant,

Most humbly Sheweth,

That on or about the Tenth Day of March last, your Petitioner on his own Account had fully laden with Provisions the Schooner Anson, Henry Costin Master: That at the Time aforesaid, the said Vessel was ready to proceed on a Voyage to Barbados with the said Cargo on board; but since has been prevented from pursuing the intended Voyage, as aforesaid, by Means of an Embargo; and your Petitioner's Vessel, with the Cargo on board, still remains in the Harbour of Baltimore-Town: In Consequence thereof, your Petitioner has been run to great Expences, and now under strong Apprehensions that the whole Cargo will, if not already, become little or of no Value to your Petitioner, unless permitted to sail immediately.

L. H. J.
Liber No. 48
May 7

Your Petitioner begs Leave to observe to your Honours, that since the Time aforesaid of the said Vessel's being stopped, that a large Sloop arrived in the aforesaid Harbour, took in her Load, and has departed from hence for some of his Majesty's Islands (as I suppose from Information); and farther, that after the Departure of the said Sloop, a Sloop belonging to this Town has had large Repairs made, has loaded, and also sailed from this Port with Provisions; yet your Petitioner's Vessel is still detained, and on what Account I know not, any more than the others that have sailed.

Therefore your Petitioner prays your Honours to take this his Case into your Consideration, as is likely many other of his Majesty's Subjects, and do that which in your Wisdom shall seem meet: And your Petitioner, as in Duty bound, shall pray.

Joseph Ensor.

The Question was put, Whether the said Petition be Dismissed, or Not? Resolved in the Affirmative.

For the Affirmative,

Reeder,
Hynson,
Wallis,
Hammond,
Gassaway,
Worthington,
Jenifer,
Dennis,
Goldsborough,
Edmondson,
Gray,
Ward,
Dulany,
Casson,
Scarborough,
Beall,
Sprigg.
17

For the Negative,

Williamson,
Carroll,
Reynolds,
M. Tilghman,
Paca,
Tolley,
Govane,
Murdock,
Fraser,
Gantt,
Lloyd,
E. Tilghman,
Bracco,
Henry.
14

p. 443 Col. Robert Jenckins Henry, from the Upper House, delivers to Mr. Speaker, the Journal of Accounts, and the following Message, viz.[t]

By the Upper House of Assembly, 6th May, 1757.

Gentlemen,

Upon Perusal of the Journal of Accounts, we don't find any Allowance is made to Mr. John Ross for his yearly Salary as Clerk of the Council, nor for 3 Days Attendance to him as Clerk of the Upper House of Assembly, when it was expected the Assembly would meet in March last, which Allowance is made to your Clerk; neither is the Allowance made to Mr. Buchanan, for the Use of a Room for the Upper House of Assembly, sufficient: We therefore propose that the Sum of Six Pounds be made to Mr. Buchanan, and

L. H. J.
Liber No. 48
May 7

the Allowances aforementioned be made to Mr. Ross; which being done, the Journal will Pass.

Signed ꝑ Order. J. Ross, Cl Up Ho

On Motion, That an Address be prepared to his Excellency, desiring he would inform this House by what Power the present Embargo is laid on all Vessels in this Province, and to know by what Indulgence a Sloop was lately permitted to depart from Baltimore-Town, since the said Embargo; the Question was put, Whether any such Address shall be prepared this Session, or Not? Resolved in the Negative.

For the Affirmative,

Williamson,
Hammond,
Carroll,
Reynolds,
M. Tilghman,
Paca,
Tolley,
Govane,
Murdock,
Fraser,
Gantt,
Lloyd,
E. Tilghman,
Bracco,
Henry.

15

For the Negative,

Reeder,
Hynson,
Wallis,
Gassaway,
Worthington,
Jenifer,
Dennis,
Goldsborough,
Edmondson,
Gray,
Ward,
Dulany,
Casson,
Scarborough,
Beall,
Sprigg.

16

Col. Henry brings in and delivers to Mr. Speaker, an Ingrossed Address; which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Capt. Jenifer and Mr. Reeder do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify, he would receive the Address immediately at his House.

Ordered, That Mr. Bracco and Mr. Ward do present the Address to the Governor.

His Excellency communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

In Answer to the first Part of the Address, which you presented to me Thursday last, together with an Extract from the Report of the Committee appointed to Inspect the Proceedings of the Com-

L. H. J. Liber No. 48 May 7 missioners for Emitting Bills of Credit, I must inform you, that on the 9th of October last I sent the Report which you then presented to me, to the Attorney-General, with Orders to sue the Bonds of the Persons that you complained of in the Address, to which the Report was annext; and I have been given to understand that he proceeded against them accordingly. I should be very sorry to find, that any p. 444 Persons, capable of being Guilty of such a Crime as Pocketing public Money, have been recommended to Offices in this Government since I have resided among you: If you know any such, be pleased to point them out, and you will, by doing so, render them Objects of my Resentment. I am advised, that the Refusal of any Matters of Vessels to pay a Duty on Convicts, by them imported into this Province, would not justify the Naval-Officers in refusing to Enter them; and his Majesty's late Attorney-General, the present Lord Mansfield, has given it as his Opinion, that no such Duty can be levied here. I think Col. Hammond, who is the only one of the present Commissioners of the Loan-Office, that is interested in, or can be affected by the Judgments referred to in your Address (the Actions against Messieurs Trippe, Porter, and Bradford, having been commenced before the other Two were appointed, and long before my Arrival in this Province) has told me, that as he can make it appear, that the Money in Question was never paid into the Office, he has appealed from the Judgments; but I will, on my Return to Annapolis, examine into the Affair, and give such Orders as shall be agreeable to Law and Justice. I was lead, by the Extract from the Report beforementioned, to think, that the Lord Proprietary's Agent had neglected to pay the Tax imposed on his Lordship's Manors, Leased, Reserved, and Demised Lands; but on Enquiry I find, that the Collectors have really been paid for such Lands, and that such of them as have settled with the Commissioners of the Loan-Office, have accounted with them for the same: And I am also informed, that an Entry to that Effect was made by the Committee in the Report that was returned to the Upper House. I shall, as you desire, enquire into the Truth of the Information that has been given you, concerning Turnor Wootton's Bond. And if all the Officers, who are appointed to collect and receive the Taxes and Duties, imposed by the Acts of Assembly, which have been lately made in this Province, for his Majesty's Service, do not render Accounts, and make due Payments, as soon as the Cause that has occasioned our Meeting at this Place, and deterred them from coming to Annapolis, is removed, they may depend on being Prosecuted; and you may rest assured, that I shall never countenance any Officer who does not diligently and faithfully discharge his Duty.

7th May, 1757. Hor°. Sharpe.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem.

L. H. J. Liber No. 48 May 7

The House met according to Adjournment, &c.

On Motion, That the Examination of the Books and Accounts of the Agents, appointed by the Act for Raising £40,000 &c. for his Majesty's Service, &c. be Referred to the next Session of Assembly:

Resolved, That the same be Referred for Examination next Session of Assembly.

p. 445 Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for the speedy Payment of sundry Persons therein mentioned; Indorsed, "By the Upper House of Assembly 6th May 1757, read the first time and ordered to lie on the table and thus By the Upper House of Assembly, May 7th, 1757. Read the second Time, and will Pass.

Signed ꝑ Order. J. Ross, Cl. Up. Ho.

And the Bill, entituled, An Act to prevent the Exportation or Carrying out of this Province, Ammunition, &c. towards supplying the French, or their Allies; Indorsed, "By the House of Assembly, 5th May 1757. Read the first time and ordered to lie on the table, and thus By the Upper House of Assembly, 7th May, 1757. Read the second Time, and will Pass, the Proviso in the last Page of the Bill being left out.

Signed ꝑ Order. J. Ross, Cl. Up. Ho.

Which Bills were severally Read here, and Passed for Ingrossing.

The Governor communicates to Mr. Speaker the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

I am glad you approve of my Proposal, to send a Present to the Cherokee Indians, who are now on our Frontier, and that you have Impowered me to draw on one of the Treasurers for the Sum of One Hundred Pounds, which you think sufficient for that Purpose. As I would always Wish to give such Orders as should meet with your Approbation, I must desire you to let me know after what Manner you would have the Indians, that may hereafter Declare in our Favour, and come to, or pass through, this Province, Treated, with Regard to Provisions and other Necessaries; and as it is confessedly a Point of the highest Importance to the British Interest in general, as well as to the more immediate Security of our Frontier Inhabitants, to cultivate the Inclination some of the Southern Indians have now shewn for our Friendship, I should be glad if the Agents were Impowered to pay for every Contingency of that Sort: This Matter being, in my Opinion, of too much Consequence to be left to the Management of any private Persons, who are not well known to all the Branches of the Legislature.

7th May, 1757. Hor°. Sharpe.

L. H. J. Liber No. 48 May 7 On Reading the said Message, Ordered, That an Address be prepared to his Excellency in Answer thereto; and that Col. Tilghman, Mr. Hammond, and Mr. Matthew Tilghman, do prepare and bring in the same.

The Governor communicates to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

As I observe that the Word Frontier frequently occurs in the Bill, p. 440 entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, which has been Framed by you this Session, and having received the Concurrence of the Upper House, now lies for my Assent; and as it has been a Question, what Part of the Province is to be understood by that Word, I must desire you to give me your Sense of the Word, and particularly what Part of Maryland you designed by it in the following Clause of the abovementioned Bill; And be it further Enacted, That the said Five Hundred Men, or so many of them as shall be at any Time in the Pay of this Province, except such Number as may be necessary to be left at Fort Frederick, shall be employed in Ranging about the Frontier thereof, for the Quiet and Protection of the Inhabitants. Provided always, and be it Enacted, That when, upon any Emergency, his Majesty's Commander in Chief, or Person properly authorized, shall judge it expedient to march any Part of the said Five Hundred Men from the Frontier of this Province, then and in such Case, so many of the aforesaid Men shall be left at Fort Frederick, under a proper Command, as the Governor or Commander in Chief of this Province, for the Time being, shall judge necessary for the more immediate Defence and Protection of the Frontier Inhabitants thereof.

7th May, 1757. Hor°. Sharpe.

On Reading the said Message, Ordered, That an Address be prepared to his Excellency in Answer thereto; and that Col. Tilghman, Mr. Hammond, Mr. Carroll, and Mr. Matthew Tilghman, do prepare and bring in the same.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

In Answer to your Message of this Day, we hope the Present which we have put into your Excellency's Hands, for the small

Party of Indians, may sufficiently shew our good Inclination towards them, and encourage them to deserve our further Marks of Friendship. We are sorry an Affair of such Importance, as Impowering Persons to pay for every Contingency, which may possibly arise on the coming into, or Passage through, this Province, of any of those People, should be mentioned to us just at a Time when we thought we had Reason to imagine all Business was at an End. We are really much fatigued by a long and close Attendance on the public Business, and very desirous of going to our respective Homes, and hope we shall be excused in not entering upon any new Matter at this Time. If the Behaviour of the Southern Tribes of Indians should be such as may shew a good Inclination to attach themselves to the British Interest, nothing reasonably, within the Power of this House to establish them, shall be wanting. p. 447

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Bracco and Capt. Jenifer do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would receive the Address immediately at his House.

Ordered, That Mr. Govane and Mr. Reeder do present the Address to the Governor.

Mr. Carroll brings in and delivers to Mr. Speaker, an Address to the Governor; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.t

To his Excellency Horatio Sharpe, Esq;r Governor and Commander
in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

It gives us the greatest Concern to find your second Message of this Afternoon, so unprecedented, that we conceive we cannot, without departing from the established Mode of Proceeding, give any other Answer to it, than that it is Unparliamentary.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Capt. Gassaway and Mr. Gray do acquaint the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would be ready to receive the Address immediately at his House.

L. H. J. Liber No. 48 May 7 Ordered, That Mr. Wallis and Mr. Dennis do present the Address to the Governor.

Mr. Lloyd brings in and delivers to Mr. Speaker, an ingrossed Bill, entituled, An Act for the speedy Payment of sundry Persons therein mentioned:

And an ingrossed Bill, entituled, An Act to prevent the Exportation or Carrying out of this Province, Ammunition, Warlike stores or provisions of any kind towards supplying the French, or their Allies.

Which Bills were severally Read and Assented to, and were sent to the Upper House, with the Paper Bills thereof, by Mr. Reynolds and Mr. Govane.

His Excellency communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

Had you presented your long Address about Mr. Rawlings more early in the Session, you might probably have received a more particular Answer that you can now expect: Though I cannot help thinking that I might even then have been excused for taking no Notice of it, as the Man has been now dead a considerable Time, and as, for Reasons best known to yourselves, you hindered your Clerk p. 448 from entering in the Journal of your Proceedings, the greatest Part of the Message that I sent you the 25th of March, 1755, in Answer to your last Address concerning him. Not suspecting that you would bring Mr. Rawlings's Character in Question again at this Time, I brought no Copy of that Message hither; but if you recur to the Original, you will, I believe, find a sufficient Answer to your Observation on the Warrant against Benjamin Harris. With regard to Kelly's Complaint, I shall only say, that if he suffered any Inconvenience from being taken up for a Soldier, he ought to blame no one but himself. In Justice to the Memory of Mr. Rawlings, I think it incumbent on me to tell you, that by what I could learn from his Neighbours, he was not that Passionate and Revengeful Man that you would represent him; and I am apt to think, that if he had been less zealous to promote his Majesty's Service, and had not unfortunately given Offence to Mr. Crabb (who is not remarkable, as I understand, for a peaceable Disposition, or forgiving Temper) he would never have been so severely Treated. Of the charitable Construction you put on Mr. Rawlings's Desire to have his Conduct examined into in a legal Manner, I shall take no Notice; and on the preceding Paragraph I shall only observe, that it is easy to guess what Weight such Denial, if he had made it, would have had with your House, by the Regard that was paid to what he did urge before your House, and in the Narrative which made a Part of my Message. You have not, in your Address, taken the least Notice of the Papers

L. H. J.
Liber No. 48
May 7

which were submitted to me, and the Contents of which I communicated to you, nor by any Thing that appears, even Read them; How then can you have shewn me, from such Papers, that his Conduct was blameable? It gives me Pleasure to find, that you are well satisfied and convinced of my Desire and Endeavours to promote the Welfare and Happiness of the good People committed to my Care, and to discharge my Duty to Yourselves and your Constituents: I am obliged to you for entertaining so favourable and just an Opinion of me, and you may be assured that I shall, by all my Actions, endeavour to confirm you in it. I hope you will not insist that Justices of the Peace in England are not removable at his Majesty's Pleasure, nor desire to have them otherwise established in this Province; but as I have already intimated to you, that I do not intend this as a particular Answer to your Address, I shall conclude with repeating, that if the Complaints against Mr. Rawlings were not groundless, they were relievable elsewhere, and the proper Objects of another Jurisdiction.

May 7,th 1757. Hor°. Sharpe.

On Motion, the Question was put, Whether the following, viz.t [Resolved, That no Claims that may, for the future, be made against the Public, of any Kind whatsoever, shall be satisfied otherwise than agreeable to the Laws of this Province in Force, relating to such Claims] shall be entered as the Resolve of this House, or Not? Resolved in the Negative.

For the Affirmative, p. 449

Reeder,
Hammond,
Gassaway,
Carroll,
M. Tilghman,
Paca,
Fraser,
Gantt,
Lloyd,
E. Tilghman,
Beall.
11

For the Negative,

Hynson,
Williamson,
Wallis,
Worthington,
Reynolds,
Jenifer,
Dennis,
Goldsborough,
Edmondson,
Gray,
Tolley,
Govane,
Ward,
Murdock,
Dulany,
Casson,
Scarborough,
Henry,
Sprigg.
19

Ordered, That Mr. Matthew Tilghman and Mr. Carroll do acquaint the Governor, That no Public Business lies before this House to Transact.

His Excellency communicated to Mr. Speaker, the following Message, viz.t

L. H. J. Liber No. 48 May 7 Gentlemen of the Lower House of Assembly,

I am sorry you did not think proper to let me know what Part of the Province you would have understood by the Word Frontier: I have the greatest Reason to apprehend, that if your House does not explain that Word, the Agents will not think themselves at Liberty to issue any Pay or Subsistence to the Men that are now, by the Earl of Loudoun's Order, posted at Fort Cumberland. Should that Place be abandoned at this Time, the great Quantity of his Majesty's Stores that are there, would fall into the Enemy's Hands, and the Consequences of such an Accident be, in all Probability, fatal to these Colonies. As it is an Affair of such Consequence to his Majesty's Service, and the British Interest in America, I must send a Copy of the Bill, which you have Framed, to the Earl of Loudoun, and know his Pleasure before I can evacuate that Fort, unless you will give me room to expect, that the Agents will not refuse to issue Pay and Subsistence for the Men abovementioned.

[May 7,th 1757.] Hor°. Sharpe.

Ordered, That Col. Tilghman and Capt. Jenifer do acquaint the Governor, That no Public Business lies now before this House to Transact.

The House adjourns until Monday Morning at 9 of the Clock.

May 9 Monday, 9th May, 1757.

The House met according to Adjournment: The members were called and all appeared as on Saturday. The proceedings were read.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, all the original Paper Bills, which had Passed both Houses this Session, and were severally thus Indorsed, "By the Upper House of Assembly, 9th May, 1757. The Ingrossed Bill, whereof this is the Original, is Read and Assented to.

Signed ℘ Order. J. Ross, Cl Up Ho.

Col. Tasker, and Benedict Calvert, Esq;rs from the Upper House, acquaint Mr. Speaker, that the Governor requires the Attendance of the Lower House immediately in the Council Chamber.

Mr. Speaker left the Chair, and, with the Members of the Lower House, attended his Excellency in the Council Chamber, where Mr. Speaker Presented to him,

p. 450 An Ingrossed Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the Advancement of Justice.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the Supplementary Act thereto.

L. H. J.
Liber No. 48
May 9

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to Remedy some Evils relating to Servants.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to the Act, entituled, An Act ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers, within this Province; and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the Gauge of Barrels, for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to impower the Justices of the several County Courts, to make Provision for the late Inhabitants of Nova-Scotia, and for Regulating their Conduct.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to the Act, entituled, An Act for the Relief of Creditors in England against Bankrupts, who have imported Goods into this Province not accounted for.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to prevent Masters of Ships and Vessels from clandestinely carrying Servants and Slaves, or Persons indebted, out of this Province.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to prevent Persons from secreting Boats, Flats, and other Vessels, drove by Stress of Weather, or otherwise, from Landings or Moorings.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the speedy Recovery of small Debts, out of Court, before one Justice of the Peace.

An Ingrossed Bill, entituled, An Act for Leasing out Part of the Prison Land in Dorchester County.

An Ingrossed Bill, entituled, An Act for Relief of sundry Inhabitants of Allhallows Parish, in Worcester County.

An Ingrossed Bill, entituled, An Act for the Relief of sundry Inhabitants of this Province, who have had their Servants Enlisted into his Majesty's Service.

An ingrossed Bill, entituled, An Act for the Relief of certain languishing Prisoners in the several County Gaols therein mentioned.

L. H. J. Liber No. 48 May 9 p. 451

An Ingrossed Bill, entituled, An Act for the speedy Payment of sundry Persons therein mentioned.

An Ingrossed Bill, entituled, An Act to prevent the Exportation or Carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the French, or their Allies.

All which his Excellency passed into Laws in the usual Manner; and made the following Speech, viz.[t]

Gentlemen of the Upper and Lower House of Assembly,

I do, with the Advice of his Lordship's Council of State, Prorogue this Assembly to the Fourth Tuesday in August next; and you are to take Notice you are Prorogued to that Day accordingly.

So endeth this Session of Assembly this 9th Day of May, in the Seventh Year of his Lordship's Dominion, Annoque Domini, 1757.

Test. M. Macnemara, Cl Lo Ho.

ACTS OF THE ASSEMBLY PASSED IN APRIL AND MAY 1757

Liber H. S. No. 1 p. 305

At a Session of Assembly begun and held at Baltimore Town in Baltimore County on Friday the Eighth Day of April in the Sixth year of the Dominion of the Right Honourable Frederick Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &^{ca} Annoq Dom: 1757 and Ending Monday the Ninth Day of May 1757 following.

The following Laws were Enacted and assented to by his Excellency Horatio Sharpe Esquire Governor.

No. 1 An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province.

[Preamble.] Whereas by Minutes taken at a Meeting of the Governors of Virginia, Maryland, and Pennsylvania, with the Earl of Loudoun, Commander in Chief of his Majesty's Forces in North-America, lately held at Philadelphia, which his Excellency Horatio Sharpe, Esq; has been pleased to lay before this General Assembly, it appears, that a Plan has been formed for the better Defence of his Majesty's Dominions in North-America, and for Annoying his Majesty's Enemies in these Parts; by which it is proposed, that this Province should raise and support Five Hundred Men, to act in Conjunction with his Majesty's Regular Forces, in the Defence and for the Security of this Province; and though we cannot look upon so great a Number necessary for our immediate Security, yet, being desirous to embrace this Opportunity, as well of promoting his Majesty's Service, and answering his General's Expectations, as of providing for our own immediate Protection, Do humbly pray that it may be Enacted,

[10,469l. 17s. 4d. to be applied to the Raising, &c. 500 Men.]

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Sum of Seven Thousand Four Hundred and Sixty-nine Pounds Seventeen Shillings and Four Pence, Part of the Sum of Twenty-five Thousand Pounds, granted by the Act for granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit, and raising a Fund for sinking the same, to be applied towards carrying on an Expedition to the Westward, and the Sum of Three Thousand Pounds, by the said Act granted to be applied towards engaging the Assistance, and cultivating the p. 306
Friendship of the Southern Tribes of Indians, or so much of the

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said Sums as now remains unexpended, are hereby and shall be applied to the Raising, Cloathing, Paying, Subsisting, and Defraying all Charges and Expences attending the Supporting Five Hundred Men, including Five Captains, Ten Lieutenants, Five Ensigns, Twenty Serjeants, Twenty Corporals, and Five Drummers, to act in Conjunction with his Majesty's Regular Forces, and under the Command of his Majesty's General, or the Officer properly authorized for his Majesty's Service, and the more immediate Protection and Security of this Province.

[Proviso.] Provided always, and be it further Enacted, That all the Men, now under the Command of Captain Dagworthy, Captain Alexander Beall, and Captain Joshua Beall, which, by the Terms or Conditions of their Enlistment, were obliged to continue in Service longer than the Tenth Day of April, One Thousand Seven Hundred and Fifty-seven, and all the Officers of their respective Companies, shall be held and deemed as a Part of the aforesaid Five Hundred Men, and shall be paid and subsisted according to the Directions of this Act from the said Tenth Day of April.

[Pay of the Officers, Men, &c.] And be it further Enacted, That all the aforesaid Officers and Men, from the Time of their entering into the Service, in Virtue of this Act, shall have and receive the following Pay, to wit: To every Captain, Twelve Shillings and Six Pence per Day: To every Lieutenant, Six Shillings and Eight Pence per Day: To very Ensign, Five Shillings per Day: To every Serjeant, One Shilling and Six Pence per Day: To every Corporal, One Shilling and Two Pence per Day: To every Drummer, One shilling and Two Pence per Day: To every private Man, Nine Pence per Day: To Two Surgeons, Six Shillings per Day each, and Medicines to be found by the Agents herein after appointed, out of the Money applied by this Act: To a Gun-Smith, Two Shillings and Six Pence per Day: To a Commissary of Stores, who is also hereby appointed to be a Commissary of Musters, Ten Shillings and Six Pence per Day for both Services: Which several Officers, Gun-Smith, Surgeons, Commissary, and Soldiers, are hereby directed duly to be paid monthly, except in such Cases where Muster-Rolls are by this Act required to be returned only once in Two Months. p. 307

[Bounty to be paid.] And for encouraging able-bodied Men to Enlist in the Service aforesaid, Be it Enacted, That there shall be paid to every such able-bodied Person, not now Enlisted in the Service of this Province, or liable to be detained therein, immediately upon his Enlisting, as a Bounty or Reward, a Sum not exceeding Five Pounds Current Money of this Province.

[Disposition of the Men.] And be it further Enacted, That the said Five Hundred Men, or so many of them as shall be at any Time in Pay of this Province, except such Number as may be necessary to be left at Fort-Frederick, shall be employed in Ranging about the Frontier thereof, for the

Quiet and Protection of the Inhabitants. Provided always, and be it Enacted, That when upon any Emergency his Majesty's Commander in Chief, or Person properly authorized, shall judge it expedient to march any Part of the said Five Hundred Men from the Frontier of this Province, then and in such Case so many of the aforesaid Men shall be left at Fort-Frederick, under a proper Command, as the Governor or Commander in Chief of this Province, for the Time being, shall judge necessary for the more immediate Defence and Protection of the Frontier Inhabitants thereof. And it is hereby declared to be the Duty of the Person so left in Command, and he is hereby strictly enjoined and required constantly to keep out and employ one third Part of the Number of Men so left under his Command, as Rangers for the Purposes aforesaid, with Orders to Range as near the Settlement of the Inhabitants as the Nature of that Service shall require.

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[Money applied to Recruiting.]

And be it further Enacted, That the Agents herein after appointed, shall deliver to the Persons, who shall be employed by the Governor or Commander in Chief of this Province in Raising or Recruiting the said Five Hundred Men, such Sums of Money as the Governor or Commander in Chief of this Province, for the Time being, shall direct, by Order under his Hand, to be by the said Persons paid out in Bounties as aforesaid, so as the said Sums, to be delivered by the said Agents, exceed not, in the Whole, the Sum of Eighteen Hundred Pounds Current Money. And the said Persons, so to be employed in Raising or Recruiting Men as aforesaid, before they shall receive any of the Money aforesaid, shall give Bond, with proper Security, to the Right Honourable the Lord Proprietary of this Province, which shall be delivered to the said Agents, to account for the same as herein after directed, and to repay to the said Agents any Part of the said Money that may remain in their Hands unapplied to the Use aforesaid.

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[Accounts thereof to be rendered.]

And be it further Enacted, That the said Persons, who shall be employed in Raising and Recruiting as aforesaid, shall, and they are hereby required, at the End of Three Months from the End of this Session of Assembly, to account with the Agents aforesaid, and then deliver to them Receipts from the Men by them respectively Enlisted, for all such Bounty Money as they shall claim Allowance for on such Accounting: And at the End of Six Months, from the Time aforesaid, they shall account with the said Agents for the Remainder of such Sums as they shall have received from them as aforesaid; and for all such Sums as they shall then claim to be allowed, they shall produce such Receipts as aforesaid; and the Remainder of the said Sums, if any shall be then in their Hands, they shall pay to the said Agents, to be by them applied for the Purposes of this Act.

Liber H. S. No. 1 [Times of Muster.] And to prevent the Embezzlement of any Money that is or may be allowed for the Pay of the said Five Hundred Men, Be it Enacted, That the several Companies of the said Five Hundred Men, or such Part of them as shall be at any Time raised, shall be mustered monthly (the first Month to commence from and after the End of this Session of Assembly), while they remain in the Province: And in Case the Commander in Chief, or Person properly authorized aforesaid, shall march any of them out of the Province, then such Part shall be mustered once in every Two Months, during the Time they shall be without the Limits thereof. And until Muster-Rolls, in Manner and Form hereafter directed, shall be returned to, and received by, the Governor or Commander in Chief of this Province, for the Time being, and the Agents aforesaid, the said Agents shall not advance or remit any Sum or Sums of Money for the Pay of the respective Company or Companies, the Muster-Roll or Rolls whereof shall not be so returned and received.

[Muster-Rolls, how to be made and delivered.] And for the more effectually preventing Fraud and Deceit in the mustering of the Soldiers, in the Pay of this Province, by Virtue of this Act, Be it Enacted by the Authority aforesaid, That Muster-Rolls shall be made out, agreeable to the Form now used by Order of his Majesty in making out Muster-Rolls of the British Forces; and as soon as possible after any Muster shall be made, had, or taken, by the said Commissary, he shall make Oath before one of p. 309 his Lordship's Justices of the Peace, in Manner and Form following, viz. I A. B. do swear, that I saw mustered, at the Time of making the within Muster, such Men as are borne on the within Muster-Roll, and for which no signed Certificate or Certificates are indorsed thereon, certifying their being absent from such Muster, by Reason of being employed on Detachment or other Duty, or by being Sick, in Prison, on Furlough, Dead, Deserted, or Discharged: And the said Justice, upon the said Commissary's making such Oath to such Muster-Roll, is hereby required and directed immediately to make a Certificate thereof on the Back of such Muster-Roll. And for every Neglect in the said Commissary to make out and return such Muster-Rolls as aforesaid, on Oath as aforesaid, he shall forfeit the Sum of Fifty Pounds Current Money. And when it shall happen to be out of the Power of the Captain or Officer commanding any Company, to make his whole Company appear before the Commissary, on Account of such Company's being divided into different Parties, or Ranging in different Parts, then and in such Case, the Commissary shall, on his Muster-Roll, distinguish the Names of such as are absent at the Time of taking the Muster, and shall require Certificates of the Officer commanding the Company, in which Certificates shall be expressed or specified the Reason of the Officer, commanding such Division, or any Soldier, his being absent, whether he be Ranging on Detachment or any other Duty, Sick, Recruiting, or on

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Furlough, and how long he has been absent on such Account respectively. And if any Soldier or Soldiers shall have Died, Deserted, or have been Discharged from, or Enlisted into such Company, since the last Muster thereof, then opposite to their Names respectively shall be notified, and it shall be specified in the said Certificates when such Soldier or Soldiers Died, Deserted, or were Discharged or Enlisted. And until the Captain or Commanding Officer of any Company shall have given such particular Certificates as are abovementioned, the said Commissary shall not enter in such Muster-Roll the Names of any Officers or Men, except such as shall actually muster and appear before him.

[Penalty on giving false Certificates.]

And to deter the Officers from giving false Certificates, Be it further Enacted by the Authority aforesaid, That all such Certificates as aforesaid shall be returned to the Agents with the Muster-Rolls aforesaid; and if any Officer shall make or give, or procure to be made or given, any false or untrue Certificate, such Officer shall, upon the Oaths of Two Witnesses, be forthwith cashiered, and for every such Offence forfeit the Sum of One Hundred Pounds Current Money, and be moreover disabled to have or hold any Military or Civil Office within this Province.

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[Muster-Rolls, how to be closed.]

[And Soldiers paid.]

And be it further Enacted, That the said Commissary shall always close the Muster-Roll of each Company upon the Place where, and the Day when, the Muster thereof shall be taken, and the two eldest Officers of such Company (who are hereby required to be present, unless the Duty of their Station obliges them to the contrary), if so many shall be present, shall, with the said Commissary, subscribe the said Muster-Rolls; and if the said Commissary, or any such Officer as aforesaid, shall sign a false or untrue Muster-Roll or Rolls, they, and each of them, shall, for every such Offence, upon Proof made thereof by two Witnesses, forfeit the Sum of One Hundred Pounds Current Money, and be rendered incapable of holding any Military or Civil Office or Employment within this Province: And if any Officer having received a Soldier's Pay, shall detain or withhold the same, or any Part thereof, by the Space of a Fortnight after such Pay shall be by him received, unless such Soldier shall be on Furlough, and then, if such Officer shall detain it a Week after the Expiration of the Furlough and Return of the Soldier to his Duty, such Officer, so offending, shall, upon Proof thereof, before a General Court-Martial, forfeit Fifty Pounds Current Money, and be cashiered; and if the Informer be a Soldier, and demand a Discharge, he shall be thereupon discharged from any further Service.

[Returns, &c. to be laid before the Assembly.]

And be it Enacted by the Authority aforesaid, That all the Returns, Muster-Rolls, Certificates, Accounts, and Receipts, which shall be returned to the said Agents, agreeable to the Directions of this Act,

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shall be laid, by the said Agents, together with their Accounts, before the next General Assembly of this Province, on or before the Third Day after their Meeting.

[Pay for Soldiers Quarters.]

And to prevent any Abuses or Impositions by Public House Keepers, in whose House any Soldiers may be quartered or billetted, Be it Enacted, That no Public House Keeper, until the Twenty-fifth Day of December next, shall charge to, or receive from, any Officer under the Degree of Captain, or private Soldier, quartered or billetted in his or her House, more than the following Rates, viz. For a Commission Officer, under the Degree of a Captain, for his Diet of such good and wholesome Food as is usually provided by Ordinary Keepers in this Province, with small Beer or Cyder, the Sum of Eighteen Pence Current Money per Diem, and Lodging; and for a private Soldier, for his Diet as aforesaid, with small Beer, the Sum of Nine Pence Current Money per Diem, and Lodging.

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[Martial-Laws extended.]

And be it further Enacted, That all and every of the Officers and Soldiers, commissioned, raised, enlisted, and in Pay for the Purposes aforesaid, in Virtue of this Act, shall, whilst in the Pay of this Province, by Virtue of this Act, be liable to Martial Law and Discipline, in like Manner, to all Intents and Purposes, as the British Forces are by the Statute Laws of Great-Britain, now in Force, and shall be subject to the same Trial, Penalties, and Punishments, except in Cases where it is otherwise provided by this Act. Provided always, and it shall and may be lawful to and for the Governor, or Commander in Chief of this Province, for the Time being, from Time to Time, during the Continuance of this Act, to grant a Commission to any Officer of the said Five Hundred Men, not under the Degree of a Captain, for holding a General Court-Martial within this Province, in which Court-Martial all the Offences committed by any of the Officers or Men, who shall serve under this Act, against the true Intent and Meaning of the Statutes now in Force in Great-Britain, relating to Martial-Law and Discipline, and all Offences under this Act not properly triable elsewhere, shall be tried and proceeded against. Provided also, That no General Court-Martial, which shall have Power to sit by Virtue of ths Act, shall consist of a less Number than Seven, whereof none to be under the Degree of a Commission Officer; and the President of such General Court Martial shall not be under the Degree of a Captain; and that no Sentence of Death shall be given against any Offender by such General Court-Martial, unless Five of the said Seven, or Two Thirds of a greater Number than Seven Officers present, shall concur therein; nor shall any Sentence of Death, given by such Court-Martial, be carried into Execution until the Minutes of the Proceedings of such Court-Martial be laid before the Governor or Commander in Chief of this Province, for the Time being, and his Warrant thereupon obtained for the Execution of such Sentence.

[And Court constituted.]

Liber H. S. No. 1. [Penalty on harbouring Deserters.]

And be it further Enacted, That if any Person shall, from and after the End of this Session of Assembly, before the Twenty-fifth Day of December, Seventeen Hundred and Fifty Seven, harbour or conceal, or assist any Deserter from the Service aforesaid, knowing him to be such, or shall knowingly buy, or exchange, or otherwise receive any Cloaths, Arms, or military Accoutrements, from any Soldier in, or Deserter from, his Majesty's Service, or the Service of any of his Colonies in America, the Person so offending shall forfeit, for such Offence, the Sum of Ten Pounds Current Money.

[Soldiers exempted from Taxes, &c. on, &c.]

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And be it further Enacted, That every Person that shall Enlist in the Service aforesaid, shall, after his Discharge from the said Service, upon his producing to the County Court where he shall reside, a Certificate of his good Behaviour therein, which Certificate the Clerk of the same Court shall record without Fee or Reward, shall be exempted from the Payment of all Manner of Taxes or Levies whatever, as also from the labouring on High-Ways, and from payment of Ferriages, for the Space of Three Years next after the producing such Discharge or Certificate.

[Soldiers maimed or wounded to have a Pension.]

And for the Encouragement of such Soldiers as shall adventure their Lives in the Defence of this Province, and his Majesty's Service, under this Act, and shall happen to be maimed, or rendered incapable to get a Livelihood for themselves or Families, Be it Enacted, That any Person who shall adventure as a Soldier, on any Expedition for the Defence of this Province, or his Majesty's Service, under this Act, and shall happen to be maimed or receive Hurt in the Service aforesaid, so as to be incapable of getting a Livelihood as aforesaid, shall, according to his Disability, receive a yearly Pension, to be raised out of the public Levy of this Province, during the Time of such Disability; the Party petitioning for such Pension or Allowance, procuring a Certificate from the County Court where he shall reside, that he is an Object of Charity, and deserves to have such Pension and Allowance.

[Agents appointed.]

[Their Duty.]

And be it further Enacted, That Mr. William Murdock, Mr. James Dick, and Mr. Daniel Wolstenholme, shall be and are hereby appointed Agents for the Purposes of this Act, viz. for purchasing and providing such Cloaths as the Governor or Commander in Chief of this Province, for the Time being, shall direct, and all other Necessaries for the said Five Hundred Men, and paying all the Sums of Money arising due to them in Virtue of this Act, and all other Charges and Expences that may accrue in Raising, Conveying, Subsisting, Maintaining, and Supporting, the said Men. And the said Agents are hereby impowered, by Order of his Excellency Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, to call for, demand, and receive, from the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, the several Sums of Money afore-

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mentioned, and lay out and apply the same for the Purposes aforesaid, which said Sums of Money the said Commissioners or Trustees shall, and they are hereby obliged and required immediately on Demand, to pay to the said Agents, and regular Accounts thereof keep.

[Their former Bonds liable.] p. 313

And be it further Enacted, That the Bonds given by the said Agents, in Virtue and according to the Directions of the aforesaid recited Act, shall stand as, and be deemed to be, a Security for the Performance of their Duty, by this Act required: And that such Bonds shall or may be put in Suit in Case of Failure of Duty in any of the Matters by this Act required, as such Bonds might have been or may be in Case of Failure of Duty in any of the Matters directed to be done by them in Virtue of the aforesaid recited Act.

[To keep fair Accounts, &c.]

And be it also Enacted, That the said Agents shall, and they are hereby directed and required to keep fair, distinct, and regular Accounts of all such Sums of Money as they shall receive in Virtue of this Act, and how the same has been paid and applied, and the same shall deliver in upon Oath on or before the Third Day of every Session, to the General Assembly of this Province. And the said Agents, for their Trouble in executing and performing their Duty, by this Act required, shall and may retain in their Hands a Commission of Three Pounds per Centum, and no more, on all such Sums of Money as they shall receive and apply as aforesaid.

[In Case of Death, &c. the Governor to appoint an Agent.]

And be it further Enacted, That in Case of the said Agents, or either of them, or their, or either of their Refusal, to execute the Trust aforesaid, that then, and in every such Case, it shall and may be lawful to and for the said Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, by Warrant under his Hand, to appoint one or more fit Person or Persons, to be Agent or Agents, in the Stead of such Agent or Agents dying, or refusing, as aforesaid, who shall have all the Powers and Authorities given to the Agents aforesaid.

Provided always, and be it further Enacted, That such Agent or Agents, so to be appointed, before he or they take upon him, or themselves, the Execution of his or their Trust, shall respectively enter into Bond, before two Provincial Magistrates, with good and sufficient Securities, jointly and severally, to the Right Honourable the Lord Proprietary of this Province, each in the Sum of Two Thousand Pounds Current Money, with Condition thereto, in the following Form, viz. The Condition of the above Obligation is such, That if the said , shall and do at all Times, so long as he shall continue in the Office of Agent, for the Purposes mentioned and directed in the Act of Assembly, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, well and faithfully perform and execute the Duty and Trust reposed in him by the

[His Bond.]

said Act, and do, from Time to Time, render to the General Assembly of this Province, true, just, perfect, and regular Accounts of his Transactions and Proceedings in Virtue of the same Act, and of the several and respective Sums of Money by him received from the Commissioners or Trustees for emitting the Bills of Credit, established by Act of Assembly, and how and for what Particulars the same are laid out and disposed of, and account for and pay all such Sums of Money as shall be remaining in his Hands, and not disposed of as the General Assembly of this Province shall direct, that then the said Obligation to be void, else to be and remain in full Force and Virtue. And the said Justices shall immediately call before them the Witnesses to such Bond or Bonds, and cause a Probate thereof to be made before them, which they shall indorse on the Back of the said Bond or Bonds, and shall immediately transmit the said Bond or Bonds to the Clerk of the Provincial Court, who shall forthwith record the same in the Provincial Land Records; and after Entry thereof upon Record, deliver the same immediately to the Clerk of the Council, who is hereby required to take Charge of the same; and an attested Copy of the said Bond and Probate, from the said Provincial Records, shall be as good Evidence in Law to maintain an Action of Debt for the Breach of the Condition thereof, to all Intents and Purposes, as if the said Bond or Bonds were actually produced and proved in Court. Liber H. S. No. 1 p. 314

[Recovery and Application of Fines, &c.]

And be it further Enacted, That the several Fines and Forfeitures herein before mentioned, shall and may be recovered by Action of Debt, Bill, Plaint, or Information, with Costs, in any Court of Record within this Province, wherein no Essoin, Protection, or Wager of Law, shall be allowed; one-half thereof to the Informer, or him, her, or them, that shall sue for the same; the other half thereof to be paid to the Commissioners or Trustees aforesaid, to be by them applied to the replacing and sinking the several Sums of Money granted by the Act first herein recited.

[Rates of Carriage.]

And where as the frequent Use of Carriages may be necessary; Be it Enacted, That from and after the End of this Session of Assembly, until the Twenty-fifth Day of December, Seventeen Hundred and Fifty-seven, when and as often as the Service may require the carrying of Gunpowder, Shot, Lead, Arms, Cloathing, or any Military Stores or Accoutrements whatsoever, or Provisions of any Kind, for Troops in his Majesty's Service in general or of this Province in particular, there shall be paid the following Rates of Carriage to the Owner or Owners of all such Carriages as shall be employed in such Services, viz. For the Hire of every Cart, with Four Horses, carrying a Load not exceeding Fifteen Hundred Pounds Weight, the Sum of Ten Shillings Current Money per Day; p. 315

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and for the Hire of every Waggon, with Four or more Horses, carrying a Load not exceeding Two Thousand Pounds Weight, the Sum of Twelve Shillings and Six Pence Current Money per Day.

[Carts or Waggons to go no more than 15 Miles in a Day.]

And be it further Enacted by the Authority aforesaid, That no Officer or Commander of any Company, or Person employing any Cart or Waggon in Virtue of this Act, shall constrain or compel the Owner or Driver of such Cart or Waggon to travel more than Fifteen Miles in any one Day, on Pain of forfeiting the Sum of Five Pounds Current Money; to be recovered before One Provincial Justice, or Two Justices of the Peace where the Offence shall be committed, and applied as the Fines and Forfeitures herein before are directed to be applied. Provided nevertheless, That if the Exigency of the Service should make it necessary for any Carriage, employed within this Province in his Majesty's Service, to travel more than Fifteen Miles in one Day, then and in such Case the Owner or Driver of such Carriage shall proceed farther; but for every Mile that he shall travel that Day with the Carriage, above the Fifteen Miles, he may demand and shall receive the Sum of One Shilling and Four Pence per Mile if a Waggon, and One Shilling per Mile if a Cart, over and above the Sum of Twelve Shillings and Six Pence, or the Sum of Ten Shillings, before allowed for a Day's Hire.

[Except on some Exigency.]

[The Governor to draw on the Agents, for the Payment of Expresses.]

And whereas it may be necessary to make Provision for Intelligence, and other Contingencies, which it is impossible to express and specify in this Act; Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Governor or Commander in Chief of this Province, for the Time being, from Time to Time, during the Continuance of this Act, to draw his Order on the Agents aforesaid, for any Sum or Sums of Money not exceeding, in the Whole, the Sum of Fifty Pounds Current Money, payable to such Person or Persons as he shall think fit; and the said Agents are hereby directed and required to pay all such Orders, so as aforesaid drawn, the Governor or Commander in Chief, for the Time being, expressing in such Order the particular Use or Purpose for which the same is, are, or shall be drawn.

[Part of a former Act Repealed.] p. 316

And be it further Enacted, That such Parts of the Act first herein mentioned, as relate to the granting a Sum not exceeding Three Thousand Pounds, to be laid out and employed in engaging the Assistance and cultivating the Friendship of the Southern Tribes of Indians, and the defraying the Expences of Two Commissioners to be sent from this Province to treat with the same, in Conjunction with the Commissioners from Pennsylvania, Virginia, and North-Carolina, or any of them, and appointing the said Commissioners, shall be and are hereby utterly repealed and made void.

This Act to continue until the Twenty-fifth Day of December, One Thousand Seven Hundred and Fifty-seven, and no longer.

Liber H. S. No. 1 [Continuance.]

6th May 1757 Read and Assented to By the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.º Sharpe	6th May 1757 Read and assented to by the upper house of assembly Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax appt

No. 2 An Act continuing an Act entituled An Act for the Advancement of Justice.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for the Advancement of Justice, made at a Session of Assembly, begun and held at the City of Annapolis on the second Day of October, One Thousand Seven Hundred and Fifty-three, shall be, and is hereby continued and shall remain and be in full Force, for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

28th April 1757 Read and assented to by the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.º Sharpe	29 April 1757 Read and assented to by the Upper house of Assembly Signed ꝑ order JRoss Cl Up Ho

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The Great Seal in Wax app.t

No. 3 An Act continuing an Act entituled An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the Supplementary Act thereto.

[An Act continued.]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, made at a Session of Assembly, begun and held at the City of Annapolis the Twenty-second Day of June, One Thousand Seven Hundred and Fourteen; and also one other Act, entituled, A Supplementary Act to the Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, made at a Session of

Liber H. S. No. 1 Assembly, begun and held at the City of Annapolis the Third Day of October, One Thousand Seven Hundred and Twenty-eight; be, and are hereby continued to be and remain in full Force, for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

28th April 1757 Read and Assented to by the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe The Great Seal in Wax app.t	28 April 1757 Read and assented to by the upper house of assembly Signed ꝑ order JRoss Cl Up Ho

No. 4 An Act continuing an Act, entituled, An Act to Remedy some Evils relating to Servants.

[An Act continued.] [p. 318] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act to Remedy some Evils relating to Servants, made at a Session of Assembly, begun and held at the City of Annapolis, the Eighth Day of May, One Thousand Seven Hundred and Fifty, shall be, and is hereby continued to be and remain in full Force for the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

28th April 1757 Read and Assented to by the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe The Great Seal in Wax app.t	28 April 1757 Read and assented to by the upper house of assembly Signed ꝑ order JRoss Cl Up Ho

No. 5 p. 319 An Act continuing an Act entituled A Supplementary Act to the Act entituled An Act ascertaining the Height of Fences, to prevent the Evil occasioned by the Multitude of Horses, and restraining Horse-Rangers, within this Province; and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act ascertaining the Height of Fences, to prevent the Evil occa-

Liber H. S. No. 1

sioned by the Multitude of Horses, and restraining Horse-Rangers, within this Province; and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods, made at a Session of Assembly, begun and held at the City of Annapolis the Eighth Day of May, Anno Domini Seventeen Hundred and Fifty, be, and is hereby continued to be and remain in full Force, for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three years.

28th April 1757 Read and assented to By the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.^{o} Sharpe	28 April 1757 Read and assented to by the Upper house of assembly Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax app.^{t}

No. 6 An Act continuing an Act, entituled, An Act for the Gauge of Barrels, for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread.

[An Act continued.] p. 320

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for the Gauge of Barrels, for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread, made at a Session of Assembly, begun and held at the City of Annapolis the Fifth Day of August, Seventeen Hundred and Forty-five, be, and is hereby continued to be and remain in full Force, for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

28th April 1757 Read and assented to by the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.^{o} Sharpe	28 April 1757 Read and assented to by the upper house of assembly Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax app.^{t}

No. 7 An Act continuing an Act entituled An Act to impower the Justices of the several County Courts, to make Provision for the late Inhabitants of Nova-Scotia, and for Regulating their Conduct.

[An Act continued.]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, Liber H. S. No. 1 An Act to impower the Justices of the several County Courts, to make Provision for the late Inhabitants of Nova-Scotia, and for Regulating their Conduct, made at a Session of Assembly, begun and held at the City of Annapolis on the Twenty-third Day of February, One Thousand Seven Hundred and Fifty-six, shall be, p. 321 and is hereby continued to be and remain in full Force, from and after the Tenth Day of May next, until the Tenth Day of May which shall be in the Year One Thousand Seven Hundred and Fifty-eight.

28.th April 1757
Read and assented to
By the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

28.th April 1757
Read & assented to
by the Upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax app.t

No. 8 An Act continuing an Act entituled A Supplementary Act to the Act, entituled, An Act for the Relief of Creditors in England against Bankrupts, who have imported Goods into this Province not accounted for.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, A Supplementary Act to the Act, entituled, An Act for the Relief of Creditors in England against Bankrupts, who have imported any Goods into this Province not accounted for, made at a Session of Assembly, begun and held at the City of Annapolis on the Second Day of October, One Thousand Seven Hundred and Fifty-three, shall be, and is hereby continued to be and remain in full Force, for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

28th April 1757
Read and assented to
by the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

28 April 1757
Read and assented to
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Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax app.t

No. 9 p. 322 An Act continuing an Act entituled An Act to prevent Masters of Ships and Vessels from clandestinely carrying Servants and Slaves or Persons indebted out of this Province.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act to prevent Masters of Ships and Vessels from clandestinely carrying Servants and Slaves, or Persons indebted, out of this Province, made at a Session of Assembly, begun and held at the City of Annapolis on the Second Day of October, One Thousand Seven Hundred and Fifty-three, shall be, and is hereby continued to be and remain in full Force, for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

Liber H. S.
No. 1

28th April 1757
Read and assented to by the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

28 April 1757
Read and assented to by the upper house of assembly
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JRoss Cl Up Ho

The Great Seal in Wax app.t

No. 10 An Act continuing an Act entituled An Act to prevent Persons from secreting Boats, Flats, and other Vessels, drove by Stress of Weather, or otherwise, from Landings or Moorings.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act to prevent Persons from secreting Boats, Flats, and other Vessels, drove by Stress of Weather, or otherwise, from Landings or Moorings, made at a Session of Assembly, begun and held at the City of Annapolis on the second Day of October, One Thousand Seven Hundred and Fifty-three, shall be, and is hereby continued to be and remain in full Force, for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

[An Act continued.]

p. 323

28th April 1757
Read and assented to by the Lower house of Assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

28 April 1757
Read and assented to by the Upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax app.t

No. 11 An Act continuing an Act, entituled, An Act for the speedy Recovery of small Debts, out of Court, before one Justice of the Peace.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of

[An Act continued.]

Liber H. S. No. 1 the same, That an Act of Assembly of this Province, entituled, An Act for the speedy Recovery of small Debts, out of Court, before one Justice of the Peace, made at a Session of Assembly, begun and held at the City of Annapolis on the Second Day of October, One Thousand Seven Hundred and Fifty-three, shall be, and is hereby continued to be and remain in full Force for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years,

28th April 1757
Read and assented to by the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
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The Great Seal in Wax app.t

28 April 1757
Read and assented to by the upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

No. 12
p. 324

An Act for Leasing out Part of the Prison Land, in Dorchester County.

[Preamble.] Whereas the Justices of Dorchester County have, by their Petition to this General Assembly, represented, That by the Law erecting the Town of Cambridge, in the said County, there is a larger Quantity of Land reserved for the Use of the Prison than is necessary, and prayed that they may have Liberty to Lease out such Part of the said Land as they, or the major Part of them, shall see proper, for the Use and Benefit of the County aforesaid.

[Land to be Leased in Dorchester County.] Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Dorchester County Court, or the Majority of them, shall, and they are hereby impowered to Lease out, upon the best Terms they can, all the Land reserved by the Law, for erecting the Town of Cambridge, for the Use of the Prison in the said County, except Half an Acre, first giving public Notice of their Intention so to do, by setting up Notes in the most public Places within their County; any Thing in the above mentioned Law to the contrary notwithstanding.

[Rent applied for the Use of the County.] And be it further Enacted, by the Authority aforesaid, That the said Justices shall, and they are hereby required to see that the Rent, reserved on the said Lease, be annually paid and applied to the defraying the public Charges and Expences of the said County.

[Half an Acre reserved for the Use of the Prison.] Provided always, and be it Enacted, That before any such Lease as aforesaid shall be made and executed, the said Justices shall lay out Half an Acre of the Land aforesaid, the most convenient for the said Prison, which Half of an Acre shall be still reserved for the

Use thereof; any Thing herein before contained to the contrary notwithstanding. Liber H. S. No. 1

28th April 1757
Read and assented to By the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

28 April 1757
Read and assented to by the Upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax app.t

No. 13 An Act for Relief of sundry Inhabitants of Allhallows Parish in Worcester County. p. 325

[Preamble.] Whereas it appears to this General Assembly, that many of the Inhabitants of Allhallows Parish, in Worcester County, by Means of the Death of one of their Inspectors, and the accidental Delay of a Commission, which was made out for the other Person, nominated and recommended according to Law, have been deprived of the Advantage of paying what Tobacco they made, and the Residue in Money, in Discharge of the Poll-Tax to the Clergy, Lawyers, and Officers Fees, in such Manner as they had a Liberty by the Act, for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees, to do it, having been out of their Power to have got their Tobaccoes inspected and paid by the Fifth Day of April, as by the said Act they are required, unless they had carried them to New-Port Warehouse on the Sea board Side, which would have been attended with great Inconveniencies, especially considering the Thirty per Poll, to the Incumbent, must be paid in the said Parish: It is therefore humbly prayed that it may be Enacted:

[Parishioners of Allhallows eas'd in paying their Public Debts.] Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the aforementioned Inhabitants of Allhallows Parish, in Worcester County, shall have Liberty of paying and discharging the Poll-Tax, to the Clergy, Lawyers, and Officers Fees, in the same Manner as they had Liberty by the aforementioned Act to pay them, provided they get their Tobaccoes inspected, and pay them away, as by the said Act is directed, by the Twentieth Day of May next, and make Oath, according to the Directions of the same Act, by the Twenty-fifth Day of the same Month; any Thing in the said Act, or any Law, Statute, Usage, or Custom, to the contrary, in any wise, notwithstanding.

28th April 1757
Read and assented to by the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

28 April 1757
Read and assented to by the upper house of assembly
Signed ꝑ order
JRoss Cl. Up Ho

The Great Seal in Wax app.t

No. 14 Liber H. S. No. 1 p. 326

An Act for the Relief of sundry Inhabitants of this Province who have had their Servants Enlisted into his Majesty's Service.

[Preamble.] Whereas, since the Commencement of Hostilities with his Majesty's Enemies in America, many of the good People of this Province have had their Servants enticed from them by Recruiting Officers, to enter into his Majesty's Service, and have not received Satisfaction for their Time of Service, uncompleated at the Time of their Enlistment, which greatly tends to discourage the Importation of useful Labourers and Handicraft Men into this Province; and as it is humbly hoped that his Most Sacred Majesty will be graciously pleased to order, that whatever Sums this Province may pay on that Account, may be refunded at such Time as shall be most agreeable to his Royal Pleasure:

[Justices to value Servants Enlisted, in Proportion to the Original Purchase-Money, and give Certificate to the Owner of their Valuation.]

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That upon Application of any Person or Persons, Inhabitants of this Province, or who was or were Inhabitants thereof, at any Time between the Commencement of Hostilities with any of his Majesty's Enemies in America and the First Day of September, Seventeen Hundred and Fifty-six, to the Justices of any of the County Courts within this Province, and making appear to them by undoubted Testimony, that he, she, or they, have had a Servant or Servants Enlisted into his Majesty's Service, and taken away from his, her, or their Service between the Times aforesaid; and upon such Person or Persons making Oath, or Affirmation if a Quaker, in open Court, that he, she, or they, have not received Satisfaction, (or if any received, how much) for such Servant or Servants, or his or their Time of Service uncompleated at the Time of such Enlistment, or any Security for the same, and was or were not apprized of the late Act of Parliament for Enlisting Servants, or being apprized thereof, did use his, her, or their utmost Endeavour to procure Satisfaction, agreeable to the said Act of Parliament, then the said Justices shall, and they are hereby required forthwith to value such uncompleated Time of Service, in Proportion to the original Purchase-Money given by the Person who first purchased the said Servant, deducting therefrom any Satisfaction that may appear to them to have been received in Part; and shall immediately give to such Person or Persons a Certificate of their Valuation thereupon, attested by the Clerk of such Court without Fee or Reward; which Certificate being produced to the General Assembly of this Province, the Sum mentioned in such Valuation shall be allowed in the Public Levy thereof. Provided always, and be it Enacted by the Authority aforesaid, That it shall be the Duty of the said Justices, and they are hereby strictly enjoined and required, before they shall grant such Certificate as aforesaid, by all probable

p. 327

Ways and Means to enquire into the Truth of the Matters to be deposed by Persons applying as aforesaid; any Thing herein before contained to the contrary notwithstanding. Liber H. S. No. 1

This Act to continue in Force for and during the Term of Three Years from and after the End of this Session of Assembly.

6th May 1757
Read and assented to by the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

6th May 1757
Read and assented to by the upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax app.t

No. 15 An Act for the Relief of certain languishing Prisoners, in the several County Goals therein mentioned.

[Preamble.] Whereas Thomas Gay, George Benson, James Horn, and Alexander Macmullen, languishing Prisoners in Worcester County Goal; Thomas Webb, John Bateman, and William Matherly, languishing Prisoners in Anne-Arundel County Goal; Pearce Tracey, John Barnat, Bigger Head, Jacob Tracey, and Thomas Thomson, languishing Prisoners in Frederick County Goal; James Fanning, Thomas Cloak, Edmund Low, Charles Mooney, Nicholas Seymore, and Nathaniel Wright, languishing Prisoners in Queen-Anne's County Goal; John Talbot, senior, a languishing Prisoner in Baltimore County Goal; Abraham Nivisson, a languishing Prisoner in Saint Mary's County Goal; and Nicholas Dawson, a languishing Prisoner p. 327A in Prince-George's County Goal; by their Petitions to this present General Assembly have set forth, That they have continued Prisoners for Debt in the Custody of the Sheriffs of the several Counties aforesaid, viz. Thomas Gay, George Benson, James Horn, and Alexander Macmullen, in the Custody of the Sheriff of Worcester County; Thomas Webb, John Bateman, and William Matherly, in the Custody of the Sheriff of Anne-Arundel County; Pearce Tracey, John Barnat, Bigger Head, Jacob Tracey, and Thomas Thomson, in the Custody of the Sheriff of Frederick County; James Fanning, Thomas Cloak, Edmund Low, Charles Mooney, Nicholas Seymore, and Nathaniel Wright, in the Custody of the Sheriff of Queen-Anne's County; John Talbot, senior, in the Custody of the Sheriff of Baltimore County; Abraham Nivisson, in the Custody of the Sheriff of Saint Mary's County; and Nicholas Dawson in the Custody of the Sheriff of Prince-George's County; for a considerable Time past, and still continue in the like deplorable Circumstances, not being able to redeem their Bodies with all the Estate and Interest they have in the World, which they would readily surrender up and part with to their several and respective Creditors, if they would accept of the same, and grant the said Petitioners their Liberty, which seems so

Liber H. S. No. 1

unlikely for them to obtain, that unless relieved by a particular Act, to be passed in their Favour, which, by their said Petitions, they have humbly prayed, that they must inevitably continue Prisoners for Life; and for that the Truth of the said Petitioners Allegations is made appear to this General Assembly, and that the said Petitioners are fit Objects of Charity, and that their lying in Goal can be no Advantage to their Creditors: It is humbly prayed that the said Petitioners may be relieved according to their Prayers, and that it may be Enacted,

[Prisoners to be discharged on delivering up their Effects, on Oath.]

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That unless all or any of the Creditors of the said Thomas Gay, George Benson, James Horn, Alexander Macmullen, Thomas Webb, John Bateman, William Matherly, Pearce Tracey, John Barnat, Bigger Head, Jacob Tracey, Thomas Thomson, James Fanning, Thomas Cloak, Edmund Low, Charles Mooney, Nicholas Seymore, Nathaniel Wright, John Talbot, senior, Abraham Nivisson, p. 328 and Nicholas Dawson, or the Creditor or Creditors of any or either of them, or the Attorney or Attorneys of such Creditor or Creditors aforesaid, within this Province, go to the Sheriffs of the Counties of Worcester, Anne-Arundel, Frederick, Queen-Anne's, Baltimore, Saint Mary's, and Prince George's, within Ten Days next after the End of this Session of Assembly, and give good and sufficient Security to pay the Imprisonment Fees, as settled by Law, that shall or may become due from the said Prisoners respectively after the End of the said Ten Days, and also find the said Prisoners sufficient Meat, Drink, and Cloathing, during their future Imprisonment; and in Case they the said Prisoners shall deliver up and surrender, or cause to be delivered up and surrendered, to the Sheriffs of the Counties aforesaid, in the Presence of Two Justices of the Peace of the Counties aforesaid, whom the said Sheriffs are hereby required to summon, on the Request of the said Prisoners, at some convenient Time after the Receipt of this Act, not exceeding Five Days, all their Real and Personal Estate, either in Possession, Reversion, Remainder, or in Trust, or in or unto which they have any Claim or Interest whatsoever, and likewise before the Day beforementioned, convey, assign, transfer, and make over, unto the Sheriffs of Worcester, Anne-Arundel, Frederick, Queen-Anne's, Baltimore, Saint Mary's, and Prince-George's Counties, for the Use of the said Creditors, all such their Estate, Interest, or Claim, as aforesaid, after such Manner as by the said Sheriffs, and by the major Part of such Creditors, or of such of them as shall think fit to direct therein, or their Council learned in the Law shall reasonably devise or require, at the Costs and Charges of the Persons as shall claim Benefit thereof, so that the said Prisoners be not burthened with any Warranties thereby, other than from themselves, or those claiming by, from, or under them; and that the said Prisoners, at the Time of such their Surrender and Transferring their Estates as aforesaid, shall take their solemn Oaths (or Affirmation if Quakers) before the said Two Justices of the Courts of the Counties respectively aforesaid, to the Effect following, viz. I A. B. do affirm or solemnly swear, That the Goods, Debts, and Effects, which I have delivered, assigned, and made over, to the Sheriff of County, and in Trust for the Use of my Creditors, is the whole Estate, both Real and Personal, of my own in Possession, or have any Title to in the World; and that I have not any Estate, Goods, or Effects, of any Kind whatsoever left, either in Possession, Reversion, or Remainder (the necessary Wearing Apparel for myself, Wife, and Children, and Working Tools, excepted): And that I have not directly or indirectly sold, leased, or otherwise conveyed, disposed of, or intrusted, all or any Part of my Estate, thereby to defraud my Creditors, or to secure the same to receive or expect any Profit or Advantage thereof: So help me God. It shall and may be lawful for the Sheriffs of the Counties aforesaid, after the End of the said Five Days, and the said Sheriffs are hereby required to discharge the said Prisoners, and suffer them to go at large.

[The Oath.]

p. 329

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That if the said Prisoners, or any of them, shall hereafter be imprisoned by Reason of any Judgment or Decree, obtained for the Payment of any Debt, Damage, or Cost, contracted, occurred, or occasioned, owing or growing due before the End of this Session of Assembly, upon every such Arrest, or upon any such Judgment or Decree, or for any such Debt, Damage, or Cost, it shall and may be lawful for the Judge or Justices of the Court where any such Process shall issue, upon shewing a Duplicate of the Discharge of the said Prisoners, or any of them, provided the said Prisoners, or either of them, being so arrested, shall and do enter his or their Appearance, or procure some Attorney to appear to every such Action, and plead thereto. Provided, That the Discharge of the said Prisoners, or any of them, shall not acquit any other Person from such Debt, Damage, or Cost, or any Part thereof; but that all such Persons shall be answerable for the same, in such Manner as they were before the passing this Act.

[To be discharged from future Arrests on Appearance, &c.]

Provided always, and be it Enacted by the Authority aforesaid, That notwithstanding the Discharge of the said Prisoners, or any of them, all and every Debt or Debts due and owing from him or them, and all and every Judgment had, or Decree obtained, against him or them, shall stand, and be good and effectual in Law, to all Intents and Purposes, against the Lands, Tenements, and Hereditaments, Goods and Chattels, of him or them, and which he or they, or any other Person in Trust for the Use of him or them, had at

[Debts to stand good in Case, &c.]

Liber H. S. No. 1 the Time of the Discharge of the said Prisoners, or any of them, or which he or they at any Time hereafter shall or may be any Way seized or possessed of, or interested in, to his or their own Use, or in his or their own proper Right, either in Law or Equity (except the Wearing Apparel and Bedding, or Working Tools of him or them, not exceeding the Sum of Five Pounds Current Money). And it shall and may be lawful for any of their Creditors, their Executors, Administrators, and Assigns, to take out new Execution or Executions against the Lands, Tenements, or other Hereditaments, Goods and Chattels of the said Prisoners, or any of them (except as before excepted) for the Satisfaction of his, her, or their Debts, in such Sort, Manner and Form, as he or they might have done if the said Prisoners, or any of them, had not been taken in Execution, or discharged by Virtue of this Act. p. 330

[Actions of Escape.] And be it further Enacted by the Authority aforesaid, That if any Action of Escape be brought against any Sheriff, or any Suit or Action against any Justice or Justices, for performing their Duty in Pursuance of this Act, he or they may plead the General Issue, and give this Act and the Matter in Evidence: And if the Plaintiff be Nonsuit, or discontinue his Action, or Verdict pass against such Plaintiff, or Judgment upon Demurrer, the Defendant shall have and recover his full Costs. [Proviso.] Provided also, That no thing in this Act shall extend or be construed to extend, to bar any Creditor or Creditors of the beforementioned Prisoners from having and maintaining any Action of Escape against any Sheriff who hath permitted any Escape before the making of this Act.

[If perjur'd, not to receive any Benefit from this Act.] Provided nevertheless, That in Case the said Prisoners, or any of them, shall at any Time after making such his or their Oath or Oaths, or Affirmation or Affirmations, as aforesaid, be convict of wilful and corrupt Perjury thereupon, or of a wilful Breach or Non-Compliance with the Tenor of such Oath or Affirmation as aforesaid, that then the said Prisoners, or any of them, being convicted as aforesaid, shall, upon such Conviction as aforesaid, be wholly deprived of any Benefit intended to him or them by this Act, and shall thenceforth be liable to be prosecuted for any Debt or Demands whatsoever, in the same Manner as if this Act had never been made; any Thing to the contrary notwithstanding.

[Sheriffs Fees to be first paid.] Provided always, That the Sheriffs of Worcester, Anne-Arundel, Frederick, Queen-Anne's Baltimore, Saint Mary's, and Prince-George's Counties, shall be first satisfied their Imprisonment Fees, out of the respective Effects of the said Prisoners, before any Creditor or Creditors shall have any Share of the Prisoners Effects; and if the said Prisoners Effects shall not be sufficient to satisfy the Sheriffs their Imprisonment Fees, that then the said Prisoners, and every of them, whose Effects shall not be sufficient to pay and satisfy their Imprisonment Fees as aforesaid, shall satisfy and pay to the

Liber H. S. No. 1

Sheriffs the Residue of their Imprisonment Fees. Provided, That the said Sheriffs shall not prosecute, detain, or imprison, the said Prisoners, or any of them, within Three Years after their Releasement; any Thing contained in this Act to the contrary notwithstanding.

[The Prisoners Effects to be sold by the Sheriffs.] p. 331

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That whatever Estate, whether Real or Personal, any of the Prisoners aforesaid shall surrender or give up to any of the Sheriffs, in whose Custody they are or shall be at the Time of their or any of their Discharges, shall, by the Sheriff or Sheriffs in whose Custody such Prisoner or Prisoners shall be, in the Presence of one Magistrate of the particular County where such Prisoner shall be discharged, be exposed to public Sale, and Sold to the highest Bidder; and that after the same be done, and the Sheriff or Sheriffs are paid, or secured to be paid, their Fees, the Residue shall be applied to the Creditors of such Prisoner or Prisoners that shall apply therefor, within Thirty Days after the said Sale, in equal Proportion to their Demands.

[Bonds, &c. belonging to the Prisoners to be assigned to the Sheriff.]

And be it further Enacted, That all such Accounts, Bonds, Notes, or other Demands, any of the said Prisoners have against any Person or Persons whatsoever, be by the said Prisoner or Prisoners assigned to the Sheriff, in whose Custody such Prisoner or Prisoners shall be or are at the Time of their Discharge; and that such Sheriff or Sheriffs shall and may maintain an Action or Actions on such Demands, as Assignee of such Prisoner or Prisoners, in his own Name. Provided always, That such Creditor or Creditors demand of such Sheriff to sue, and give to such Sheriff a Bond to indemnify him against any Charge that may accrue to such Sheriff by Means of Suing; and in Case of Recovery, that then the Sheriff make Distribution of what shall be recovered to the Person or Persons giving him such Security as aforesaid.

6th May 1757
Read and assented to by the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

6th May 1757
Read and assented to by the Upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax app.t

No. 16 An Act for the speedy Payment of sundry Persons therein mentioned.

[Preamble.]

Whereas Accounts of Disbursements have been produced to this General Assembly by Dr. David Ross, Samuel Chapman, Andrew Staiger, William Nicholson, Nicholas Rogers, Daniel Barnett, John Ridgely, Robert Tives, James Richard, Frederick Freeman, Anne

Liber H. S. No. 1

Spoon, and Tobias Stansbury; and it is thought just and reasonable that the said Persons should be speedily reimbursed:

p. 332

[Commissioners to pay several Persons for Sums expended for the Public Service.]

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for the Commissioners or Trustees, for emitting Bills of Credit, established by Act of Assembly, and they are hereby directed and required to pay unto the said Tobias Stansbury the Sum of Fifteen Shillings and Eight Pence: To the said David Ross the Sum of Eighty Pounds and Two Pence: To the said Samuel Chapman the Sum of One Hundred and Twelve Pounds Three Shillings and Ten Pence: To the said Andrew Staiger the Sum of Four Pounds and Eight Pence: To the said William Nicholson the Sum of Two Pounds Twelve Shillings and Six Pence: To the said Nicholas Rogers the Sum of Five Pounds Five Shillings: To the said Daniel Barnett the Sum of Five Pounds Two Shillings and Ten Pence: To the said John Ridgely the Sum of One Pound Nineteen Shillings and Three Pence: To the said Robert Tives the Sum of One Pound Four Shillings: To the said James Richard the Sum of Four Pounds Four Shillings: To the said Frederick Freeman the Sum of Twelve Shillings: And to the said Anne Spoon the Sum of Twelve Shillings. And the said Commissioners or Trustees shall, and they are hereby required to keep fair and distinct Accounts of all the said Payments, and of all such Sum or Sums of Money as herein after is directed to be paid unto them, for replacing the same.

[To keep fair Accounts.]

[The Manner of replacing the Money in the Office.]

And for the more speedy Repayment and Replacing the aforesaid Sums of Money into the Office of the said Commissioners; Be it Enacted by the Authority aforesaid, That the Committee appointed by the Act, entituled, An Act for the Assessment and Payment of the Public Charge of this Province, made at a Session of Assembly, begun and held at the City of Annapolis on the Twenty-third Day of February, in the Year of our Lord One Thousand Seven Hundred and Fifty-six, shall, and they are hereby impowered and directed, at the Time of appointing the next Public Levy, to apportion and direct, according to the Number of Taxables returned for this Year, what Part of the Amount of the aforesaid Sums shall be paid by each County; and an Account thereof cause to be delivered to the several Sheriffs respectively, together with their Distribution and Apportionment of the Public Levy.

p. 333

[Sheriffs to collect, and pay the same.]

And be it further Enacted, That the several Sheriffs aforesaid shall, and they are hereby required to collect and levy the said Sums in such Manner as the County Levies are usually collected, together with a Salary of Five per Cent. for their Trouble; and shall pay the same to the Commissioners or Trustees aforesaid on or before the last Day of July, which shall be in the Year of our Lord One

Liber H. S. No. 1

Thousand Seven Hundred and Fifty-eight; by them to be applied to replacing the aforesaid Sums of Money, by this Act directed to be paid out by the said Commissioners or Trustees.

[Or their Bonds to be sued.]

And it is hereby Enacted and Declared, That the Office Bonds of the several Sheriffs aforesaid, and their Securities, shall be answerable for and put in Suit, for any Breach of Duty committed against this Act.

7th May 1757
Read and assented to by the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

The Great Seal in Wax app.t

7th May 1757
Read and assented to by the upper house of assembly
Signed ꝑ order
JRoss Cl. Up Ho

No. 17 An Act to prevent the Exportation or Carrying out of this Province, Ammunition, Warlike Stores, or Provisions of any Kind, towards supplying the French or their Allies.

[Preamble.]

Whereas it is represented to this General Assembly, that the French and their Allies are supplied with Provisions, Ammunition, and Warlike Stores, by Means of the Trade carried on from his Majesty's Islands and Colonies, to the Colonies and Settlements in America belonging to the Dutch, and other Neutral Powers, by which Means they are the better enabled to carry into Execution their unjust Schemes upon his Majesty's Dominions, and against his Subjects on this Part of the Continent: In order, therefore, to prevent as much as in us lies, for the future, such Evil, it is prayed that it may be Enacted.

p. 334

[Ammunition, &c. not to be carried out of the Province, except Bond be given, &c.]

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this Session of Assembly, for and during the Continuance of this Act, it shall not be lawful for any Person or Persons, within this Province, to take or put on board any Ship or Vessel any Ammunition, Warlike Stores, or Provisions of any Kind or Denomination whatsoever, except for the necessary Use of such Ship or Vessel, without first entering into Bond to the Naval-Officer of the Port where he or they shall Clear out such Vessel or Vessels, which Naval-Officer is hereby authorized and required to take such Bond, with Two good and sufficient Sureties, unto the Right Honourable the Lord Proprietary of this Province, in the Sum of One Thousand Pounds Sterling, if the Ship or Vessel be of less Burthen than One Hundred Tons, and in the Sum of Two Thousand Pounds Sterling if the Ship or Vessel

Liber H. S. No. 1

be above that Burthen, with Condition to the same annexed, that he or they shall not Land the Cargo of such Ships or Vessels in any other Ports or Places than such as belong to his Majesty, or are in Possession of his Subjects; and shall produce a Certificate thereof to the Naval-Officer taking such Bond, within Twelve Months after such taking or putting on board (the Danger of the Seas excepted), from the Chief Officer of the Customs of such Port or Place, for which such Ship or Vessel shall Clear out; or if it shall be at a Port or Place where there is no Officer of the Customs, then from the Chief Magistrate, that the said Cargoes have been actually Landed there accordingly. And in Case any Person or Persons shall presume, contrary to the Tenor of this Act, to take or put on board any Ship or Vessel within this Province, any such Ammunition, Warlike Stores, or Provisions of any Kind or Denomination whatsoever, without giving such Bond as by this Act is before required and directed, such Person or Persons shall forfeit the full Value of such Ammunition, Warlike Stores, and Provisions of what Denomination so ever the same be, as also the Ship or Vessel transporting or carrying the same, with her Sails, Rigging, Anchors, Cables, Guns, Boats, and all other Materials to her belonging, to the Right Honourable the Lord Proprietary, for the Uses and Purposes in this Act hereafter directed and appointed.

[Certificate of the Delivery to be returned within Twelve Months.]

[Penalty for Neglect.]

And it is hereby Enacted, That the several Forfeitures herein mentioned, shall and may be recovered in the Provincial Court of this Province, by Action of Debt, Bill, Plaint, Information, or Indictment, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; one Moiety of the said Forfeitures to the Use of the Informer, or him, her, or them, that Sue for the same; the other Half to be paid to the Treasurer of the respective Shore, to be by him accounted for to the General Assembly of this Province, from Time to Time, and to be by them applied towards his Majesty's Service, as to them shall seem needful.

[Forfeitures, how recovered and applied.]

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And be it further Enacted, That in Case any Person or Persons, within this Province, shall carry any Ammunition, Warlike Stores, or Provisions of any Kind or Denomination whatsoever, out of the same Province, towards the Branches of the Ohio, or over the Allegany Mountains, and the same Sell or Dispose of to the French, or Others in Trust for their Use, or to their Allies, or any of them, such Person or Persons shall forfeit and pay to the Right Honourable the Lord Proprietary, for the Uses in this Act herein beforementioned, double the Value of such Ammunition, Warlike Stores, or Provisions of any Kind or Denomination whatsoever, together with the Horses and Carriages made use of to convey or carry the same, contrary to the Tenor of this Act. And if any Person or Persons

[Ammunition, &c. not to be carried by Land.]

shall be Sued or Prosecuted for the said Offence, the Onus Probandi shall lie on the Person Sued or Prosecuted, to make appear where he or they disposed of such Ammunition, Warlike Stores, or Provisions.

Liber H. S. No. 1

[The Onus Probandi to lie on the Person sued.]

And be it further Enacted, That Oath shall be made by the Master of every Vessel Clearing out, before the Naval-Officer of the Port respectively, to the whole Quantity of Ammunition, Warlike Stores, and Provisions of any Kind and Denomination whatsoever, laden on board such Vessel.

[Masters to make Oath.]

This Act to continue until the last Day of August, One Thousand Seven Hundred and Fifty-Seven.

[Continuance.]

7th May 1757
Read and assented to By the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.º Sharpe

7th May 1757
Read and assented to by the upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax app.t

I do hereby Certifie that Reverdy Ghiselin Clerk of the Provincial Court and Secretarys Office of the Province of Maryland, this Day Personally appeared before me the Subscriber one of the Right Honourable the Lord Proprietary of the Province aforesaid, his Council of State and made Oath on the Holy Evangelists of Almighty God that he Carefully Examined the Laws Contained in this Book beginning at folio 305 and Ending at folio 335 with the Original Acts that Passed the Great Seal, Sworn to this twenty seventh day of September Anno Domini 1757

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Rob:t Jenckins Henry.

SEAL

The Seal of the Provincial Court is hereunto Affixed on behalf of Benjamin Tasker junior Esquire Deputy Secretary of Maryland

ꝑ Reverdy Ghiselin Clk of the Secretarys Office
and Provincial Court.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

At a Session Held at Annapolis, September 28–December 16, 1757.
Being the First Session of the Assembly Elected in September, 1757.

FREDERICK CALVERT, LORD BALTIMORE,
Lord Proprietary.

HORATIO SHARPE,
Governor.

PROCEEDINGS

OF THE

UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Wednesday the 28.th Day of September, in the seventh Year of his Lordships Dominion Annoque Domini 1757

U. H. J.
Liber No. 35
1757,
Sept. 28
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Present

His Excellency Horatio Sharpe Esq: Governor

The honourable
Benjamin Tasker Esq.
Colo: Benjamin Tasker
Benedict Calvert Esq
Col: Robert Jenckins Henry and
Daniel Dulany Esq.

Mess.rs Dulany and Govane from the Lower House acquaint his Excellency that are a sufficient Number of Members met to make a House and wait his Excellency's Commands.

Benedict Calvert Esq: and Col: Robert Jenckins Henry are sent to the Lower House to administer the Oaths to the Government appointed to be taken by Act of Assembly of this Province to the several Members of that House, and ordered that the Clerk of this House attend them who administered the several Oaths to the several Members then present, and they all subscribed the Oaths of Abjuration and Test:

p. 182

Col: Benjamin Tasker, and Daniel Dulany are sent to acquaint the Lower House that his Excellency requires their Attendance in the Upper House immediately

The Lower House attend, and his Excellency orders them to return to their House, and make Choice of a Speaker.

Mess.rs [Robert Lloyd and Dr. George Steuart] from the Lower House acquaint his Excellency their House hath made Choice of a Speaker.

Benedict Calvert Esq: and Col: Robert Jenckins Henry are sent to the Lower House to inform them that his Excellency requires their Attendance in the Upper House to present their Speaker for his Approbation

The Lower House attend, and present Col: Henry Hooper as their Speaker with which Choice his Excellency declares himself well pleased and makes the following Speech

Gentlemen of the upper and Lower Houses of Assembly

It having been represented to me that the Money which was granted by the last Assembly for the Support of the Troops that

U. H. J. Liber No. 35 Sept. 28 have been raised for the Defence of this Province is almost expended I have thereupon called you together that you may make further Provision for their Support, and that you may have also an Opportunity to provide for the Reception of such of his Majesty's Regular Forces as shall be ordered hither for Winter Quarters; These Matters the Duty of my Station obliges me to recommend in a particular Manner to your Consideration, but if you shall think after they are dispatched to proceed to other Business, you may be assured of my ready Assent to any Bills that you shall offer whereby this Province might be benefitted, or the Security and Welfare of the People promoted:

Mess:^{rs} Murdock and Gassaway from the Lower House acquaint his Excellency that their House hath made Choice of M.^{r} Michael Macnemara for their Clerk, and hope for his Excellency's Approbation to whom his Excellency is pleased to declare that he approves of their Choice

Mess.^{rs} Williamson and [Dulany] from the Lower House attend with M.^{r} Michael Macnemara Clerk of the said House in order to see him qualified who takes the Oath to the Government appointed to be taken by Act of Assembly, and subscribes the Abjuration and Test, and also takes the usual Oath of Office, and then withdraws.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

p. 183 Present as in the Morning

Adjourned till to Morrow Morning 10 of the Clock

Sept. 29 Thursday Morning 29: Sept.^{r} 1757.

Mess.^{rs} Williamson and Govane from the Lower House attend with M.^{r} John Tilden a Member elected for Kent County, Samuel Owings a Member elected for Baltimore County, and Joseph Chapline Thomas Beatty and Thomas Cresap, Members elected for Frederick County to see them qualified who take the Oaths to the Government appointed to be taken by Act of Assembly and subscribe the Abjuration and Test, and then withdraw.

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning and Sam. Chamberlaine Esq.

Mess:^{rs} Bracco and Handy from the Lower House attend with M.^{r} John Henry a Member elected for Worcester County, Matthew

Tilghman a Member elected for Talbot County Emory Sadler a Member elected for Queen Ann's County, and Daniel Sullyvan a Member elected for Dorchester County to see them qualified who severally take the Oaths to the Government appointed to be taken by Act of Assembly repeat and subscribe the Abjuration and Test and then withdraw.

U. H. J.
Liber No. 35
Sept. 29

Adjourned 'till to Morrow Morning 10. of the Clock

Friday Morning 30. of Sep. 1757.

Sept. 30

This House met again according to Adjournment:

Present as Yesterday.

Mess.^{rs} Mackall and Key from the Lower House attend with M.^{r} Plater a Member elected for S.^{t} Mary's County to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and subscribes the Abjuration and Test, and then withdraws

Benjamin Tasker Esq: attended by the Members of this House presents to his Excellency the Address of this House which follows in these Words

To his Excellency Horatio Sharpe Esq: Governor and Commander
in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly.

May it please your Excellency.

As the Necessity which occasioned the raising of Troops for our Defence, still unhappily subsists we shall readily agree to the necessary Means of continuing them in the Service of this Province, and shall chearfully embrace every opportunity of manifesting our Zeal for his Majesty's Service by making a suitable Provision for the Reception of his Troops which shall be sent hither for Winter Quarters. Experience has given us a sufficient Assurance of your Excellency's Disposition to promote the Welfare and Security of the People.

p. 184

B. Tasker President.

Mess.^{rs} Gassaway and Carroll from the Lower House attend with M.^{r} Philip Hammond a Member elected for Ann Arundel County to see him qualified, who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and subscribes the Abjuration and Test, and then withdraws

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

U. H. J.
Liber No. 35
Sept. 30

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock.

Oct. 1

Saturday Morning 1.st of Oct.^{r} 1757

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Mess.^{rs} Dulany and Worthington from the Lower House attend with M.^{r} Woodward a Member for the City of Annapolis in the Room of Doctor George Steuart whose Election was set aside to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and subscribes the Abjuration and Test, and then withdraws

Adjourned 'till Monday Morning 10. of the Clock

Oct. 3

Monday Morning 3:^{d} of Oct: 1757.

This House met again according to Adjournment

Present

The honourable
Benj:^{n} Tasker Esq.
Sam: Chamberlaine Esq:
Col: Benjamin Tasker
Benedict Calvert Esq.
Col: Rob:^{t} Jenkins
Henry

p. 185 Mess.^{rs} Sullyvan and Lee from the Lower House attend with Mess.^{rs} John Goldsborough and Pollard Edmonson Members elected for Talbot County M.^{r} Joseph Cox Gray a Member elected for Dorchester County and M.^{r} Charles Dent a Member elected for Charles County to see them qualified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat, and subscribe the Abjuration and Test and then withdraw

A Message from the Lower House by Mess.^{rs} Dulany and Earle.

By the Lower House of Assembly 3.^{d} Oct:^{r} 1757.

May it please your Honours.

This House hath appointed M.^{r} Dulany M.^{r} Earle Col: Henry M.^{r} Lloyd M.^{r} Bracco, M.^{r} Williamson, M.^{r} Matthew Tilghman, and M.^{r} Worthington a Committee from this House to inspect the Accounts and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly and desire your Honours to appoint one or more of the Members of your House to join in the said Committee U. H. J. Liber No. 35 Oct. 3

Signed ꝑ: Order M Macnemara Cl lo. Ho:

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning

Mess.^{rs} Henry and Wilson attend with M.^{r} Waggaman a Member elected for Somerset County to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and subscribes the Abjuration and Test and then withdraws.

Adjourned 'till to Morrow Morning 10. of the Clock

Thursday [sic; Tuesday] Morning 4: of Oct.^{r} 1757. Oct. 4

This House met again according to Adjournment

Present as Yesterday.

The following Message is sent to the Lower House by Sam: Chamberlaine Esq:

Gentlemen

This House hath named Samuel Chamberlaine Esq: to join the Members appointed by your House in a Committee to inspect the Accounts and Proceedings of the Comm:^{rs} of the Paper Currency Office.

Sign'd ꝑ. Order J Ross Cl. Upp. Ho.

Adjourned 'till three of the Clock in the Afternoon p. 186

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning and Richard Lee Esq.

The Governor is pleased to communicate to this House his Answer to their Address in the following Words.

Gentlemen of the upper House of Assembly

I return your Thanks for your obliging Address which confirms me in the Opinion that I have always entertained of your Zeal for his Majesty's Service and convinces me of your being willing to provide for the Support of the Troops that it has been found necessary to raise for the Defence of this Province, as well as desirous

U. H. J. Liber No. 35 Oct. 4 of having suitable Provision made for the Accomodation of such of his Majesty's regular Forces as shall be ordered hither for Winter Quarters

Hor:º Sharpe

Adjourned 'till to Morrow Morning ten of the Clock

Oct. 5 Wednesday Morning 5. of Oct:r 1757.

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till to Morrow Morning ten of the Clock

Oct. 6 Thursday Morning 6. of Oct.r 1757

This House met again according to Adjournment.

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning 10. of the Clock

Oct. 7 p. 187 Friday Morning 7.th of Oct.r 1757:

This House met again according to Adjournment

Present as Yesterday except Benedict Calvert Esq.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: of the Clock

Saturday Morning 8. of October 1757. U. H. J. Liber No. 35 Oct. 8

This House met again according to Adjournment

Present as Yesterday

The Governor is pleased to communicate to this House the following Message

Gentlemen of the upper House of Assembly

Herewith I send you a Letter that was sent to me by one of his Majesty's principal Secretary's of State, and another that I lately received from Admiral Holbourne by which you will perceive that we are called upon to furnish a Number of Seamen for the Fleet that his Majesty has been graciously pleased to order to America for our Protection, I must recommend it to you to take this Matter immediately into Consideration, and I hope you will as far as in you lies enable me to comply with the Admiral's Request

9.th of Oct:r 1757: Hor:o Sharpe.

Adjourned till Monday Morning 10. of the Clock

Monday Morning 10.th of Oct.r 1757. Oct. 10

This House met again according to Adjournment.

Present

The honourable
Benjamin Tasker Esq.
Sam: Chamberlaine Esq.
Col: Benjamin Tasker
Richard Lee Esq.
Col: Rob:t Jenkins
Henry

Adjourned 'till 3. of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock p. 188

Tuesday Morning 11. of Oct.r 1757 Oct. 11

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournmn.t

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

U. H. J. Liber No. 35 Oct. 12

Wednesday Morning 12. of Oct.r 1757.

This House met again according to Adjournm.t

Present as Yesterday except Col: Tasker

Adjourned 'till 3. of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Oct. 13

Thursday Morning 13. Oct.r 1757.

This House met again according to Adjournm.t

Present as Yesterday and Col: Tasker.

Mess.rs Sullyvan and Gray from the Lower House attend with M.r Philemon Lecompte a Member elected for Dorchester County to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and subscribes the Abjuration and Test and then withdraws

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Oct. 14

Friday Morning 14. of Oct.r 1757.

p. 189 This House met again according to Adjournment

Present as Yesterday

Mess.rs Goldsborough and Edmonson from the Lower House attend with M.r Oldham a Member elected for Talbot County to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly, repeats and subscribes the Abjuration and Test and then withdraws

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Saturday Morning 15. of Oct: 1757.

U. H. J.
Liber No. 35
Oct. 15

This House met again according to Adjournm.t

Present as Yesterday

Mess.rs Waggaman and Wilson from the Lower House attend with Levin Gale Esq. a Member elected for Somerset County to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and subscribes the Abjuration and Test and then withdraws.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of Joseph Wood of Frederick County praying a Reward may be given him for his Invention /as he says/ of a Machine that will go perpetually without winding or Spring. the Petition of Susannah Risteau Administratrix of Talbot Risteau late of Baltimore County deceased praying Leave to bring in a Bill enabling her to sell a good brick dwelling House and some Lands in the Town of Joppa in the said County to satisfy the Debts due from the said Talbot the Petition of sundry of the Inhabitants of Frederick Town in Frederick County praying Leave to bring in a Bill to prevent Hogs or Geese going at large in the said Town the Petition of the Vestry of Port Tobacco Parish in Charles County praying a Bill may be brought in enabling the Justices of Charles County to levy p. 190 on the Inhabitants of the said Parish 50,000 lb: of Tobacco for the Use of William Waite for Decorations made to the Church in the said Parish, and other Purposes therein mentioned the Petition of the high Sheriff, Justices, and others Freeholders and Inhabitants of Kent County praying that the quartering of a Number of his Majesty's Troops in the said County may be taken into Consideration—the Petition of Henry Miles of Charles County praying some Allowance may be made him for two Servants enlisted in his Majesty's Service—the Petition of John Pitts of Talbot County praying some Allowance may be made him for a Servant enlisted in the third Battalion of the Royal American Regiment, referred to the Consideration of the Lower House and sent by Samuel Chamberlaine Esq:r

Adjourned 'till Monday Morning 10. of the Clock

Monday Morning 17: of October 1757 Oct. 17

This House met again according to Adjournment

U. H. J.
Liber No. 35
Oct. 17

Present

The honourable Benjamin Tasker Esq.^{r} Samuel Chamberlaine Esq. Col: Benjamin Tasker Richard Lee Esq. Col:^{o} Rob:^{t} Jenckins Henry

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.^{t}

Present as in the Morning and Benedict Calvert Esq.^{r}

Adjourned 'till to Morrow Morning 10: of the Clock

Oct. 18 Tuesday Morning 18. of October 1757.

This House met again according to Adjournment

Present as Yesterday and Col: Hammond

Mess.^{rs} Gale and Wilson attend with M.^{r} Henry Lowes a Member elected for Somerset County to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and subscribes the Abjuration and Test and then withdraws.

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment

Benjamin Tasker Esq.^{r} attended by the Members of this House p. 191 presents to his Excellency their Address which follows in these Words

To his Excellency Horatio Sharpe Esq.^{r} Governor and Commander in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly

May it please your Excellency

We have considered your Excellency's Message of the 0:th Instant, and hope Sir that you will believe it is our own Inclination to comply with every reasonable Measure recommended by his Majesty's Ministers and enforced by your Excellency and should take the greatest Pleasure in doing all on our Part for the enabling you to fulfil the Requisition of Rear Admiral Holbourne being very sensible of the Importance of an Aid of Seamen for his Majesty's Fleet which he has been graciously pleased to order for our Protection, and we wish that the very few Seamen from an inconsiderable Trade did not render impracticable the furnishing the least Number from this Province

Adjourned 'till to Morrow Morning 10: of the Clock

Wednesday Morning 19: Oct:r 1757

U. H. J. Liber No. 35 Oct. 19

This House met again according to Adjournm:t

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Thursday Morning 20: of October 1757: Oct. 20

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning except Richard Lee Esq:

Read the Petition of William Holmes of Baltimore County praying an Allowance may be made him for twenty one Fusils, and some other Articles furnished the Militia under the Command of Captain Stansbury's in the Year 1756—the Petition of the Rector, Vestrymen Church-Wardens and Inhabitants of S.t Georges Parish Baltimore County, praying £550 may be levied on the taxable Inhabitants of said Parish at two equal Assessments, referred to the Consideration of the Lower House, and sent by Col.o Henry p. 102

Read the Petition of Sarah Stallings on Behalf of herself and Children praying Leave to bring in a Bill to aid the Defect in the Will of Richard Stallings deceased, and rejected

Read the Petition of sundry the Inhabitants of Frederick and Prince Georges Counties praying a Bill may be brought in to prevent the Proprietors of any Lands or any other Person from making Hedges in Rock Creek in Frederick County that may hinder the Fish from going up to breed. rejected

Adjourned till to Morrow Morning 10. o' the Clock

Friday Morning 21. of October 1757. Oct. 21

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

U. H. J.
Liber No. 35
Oct. 21

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: of the Clock

Oct. 22 Saturday Morning 22.d October 1757.

This House met again according to Adjournment

Present as Yesterday

Adjourned till Monday Morning ten of the Clock

Oct. 24 Monday Morning 24: of October 1757:

This House met again according to Adjournment

Present

The honourable { Benjamin Tasker Esq.r
Samuel Chamberlaine Esq. } Col:o Benjamin Tasker
Col: Robert Jenckins Henry

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

p. 193 Present as in the Morning

Adjourned till to Morrow Morning 10: o' the Clock

Oct. 25 Tuesday Morning 25.th of Oct.r 1757.

This House met again according to Adjournment

Present as Yesterday and Benedict Calvert Esq:

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Oct. 26 Wednesday Morning 26: of Oct.r 1757:

This House met again according to Adjournment

Present as Yesterday and Col: Hammond

U. H. J.
Liber No. 35
Oct. 26

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. o' the Clock

Thursday Morning 27. of October 1757: Oct. 27

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Friday Morning 28:th October 1757. Oct. 28

This House met again according to Adjournment

Present as in the Morning

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning p. 194

Adjourned 'till to Morrow Morning 10: of the Clock

Saturday Morning 29. of October. Oct. 29

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till Monday Morning 10. of the Clock

Monday Morning 31. of Oct.r 1757. Oct. 31

This House met again according to Adjournment

U. H. J.
Liber No. 35
Oct. 31

Present

The honourable
Benjamin Tasker Esq.
Col: Charles Hammond
Samuel Chamberlaine Esq.
Col: Benjamin Tasker
Benedict Calvert Esq.
Col: Rob.^{t} Jenckins Henry

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning ten of the Clock

Nov. 1 Tuesday Morning 1: of Nov.^{r} 1757:

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning 10. o' the Clock

Nov. 2 Wednesday Morning 2.^{d} of Nov.^{r} 1757:

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.^{t}

p. 195 Present as in the Morning and Richard Lee Esq:

Adjourned till to Morrow Morning ten of the Clock

Nov. 3 Thursday Morning 3. of Nov.^{r} 1757.

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till 3. of the Clock in the Afternoon

U. H. J. Liber No. 35 Nov. 3

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning and Daniel Dulany Esq:r

Adjourned 'till to Morrow Morning 10. of the Clock

Friday Morning 4: of Nov.r 1757.

Nov. 4

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till to Morrow Morning 10 of the Clock

Saturday Morning 5. of Nov.r 1757:

Nov. 5

This House met again according to Adjournment

Present as Yesterday

Two Bills from the Lower House by Mess.rs Dulany and Sullyvan, the one entituled, An Act, continuing an Act, entituled, An Act for destroying Wolves in Frederick County—An Act continuing an Act entituled, An Act to enable the several and respective County Clerks within this Province to remove some of the County Records and Papers from the public Offices An Act continuing an Act entituled An Act for Punishment of Horse Stealers and other Offenders—An Act continuing an Act, entituled, a supplementary Act to an Act, entituled An Act laying an Imposition on Negroes, and several Sorts of Liquors imported, and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy severally thus endorsed p. 196

By the Lower House of Assembly 5.th of Nov.r 1757:

Read the first and second Time by an especial Order and will pass

Signed ꝑ. Order: MMacnemara Cl: Lo: Ho:

U. H. J. Liber No. 35 Nov. 5 Five Bills from the Lower House by Mess.^{rs} Williamson and Lowes, one entituled An Act continuing an Act to make the Testimony of convicted Persons legal against convicted Persons An Act continuing an Act entituled, An Act to exempt Persons appearing at Musters from Arrests in civil Cases—An Act continuing an additional supplementary Act to the Act, entituled, An Act relating to Servants and Slaves—An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders, and a supplementary Act to an Act entituled, An Act to prevent the tumultuous Meeting, and other Irregularities of Negroes, and other Slaves, and directing the Manner of trying Slaves—An Act continuing an Act, entituled, an additional and explanatory Act to the Act entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes severally thus endorsed

By the Lower House of Assembly 5.th of Nov.^{r} 1757.

Read the first and second Time by an especial Order, and will pass.

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

Adjourned 'till Monday Morning ten o' the Clock.

Nov. 7 Monday Morning 7. of Nov.^{r} 1757.

This House met again according to Adjournment

Present

The honourable	Benjamin Tasker Esq.	Benedict Calvert Esq:
	Samuel Chamberlaine Esq.	Col: Rob:^{t} Jenckins Henry
	Col:^{o} Benjamin Tasker	
	Richard Lee Esq:^{r}	Daniel Dulany Esq.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

p. 197 Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Nov. 8 Tuesday Morning 8. of Nov.^{r} 1757.

This House met again according to Adjournment

Present as Yesterday and Col: Hammond U. H. J. Liber No. 35 Nov. 8

Read the first Time the ten aforegoing Bills, and ordered to lie on the Table

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning ten of the Clock

Wednesday Morning 9. of Nov.^{r} 1757. Nov. 9

This House met again according to Adjournment

Present as Yesterday except Richard Lee Esq.

Three Bills from the Lower House by Mess.^{rs} Govane and Stoddart; A Bill entituled An Act repealing all the Laws heretofore made for the killing of Crows, and Squirrels, or having any Allowance for the same so far as relates to Somerset, Calvert, Prince Georges, and Worcester Counties—A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Courts to assess and levy on the taxable Inhabitants of Saint Georges in that County a Sum of Money for the Uses therein mentioned—An Act continuing an Act entituled, An Act to prevent certain Evils and Inconveniencies, attending the Sale of strong Liquors, and running of Horse Races, near the Yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings, and also one other Act, entituled, An Act to amend and explain an Act entituled, An Act to prevent certain Evils and Inconveniencies, attending the Sale of strong Liquors, and running of Horse Races near the said yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings severally thus endorsed.

By the Lower House of Assembly 7: Nov.^{r} 1757

Read the first Time and ordered to lye on the Table

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

Read the first Time in this House, and ordered to lie on the Table p. 198

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: of the Clock

U. H. J.
Liber No. 35
Nov. 10

Thursday Morning 10: of Nov.r 1757.

This House met again according to Adjournment.

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Nov. 11 Friday Morning 11.th of Nov.r 1757.

This House met again according to Adjournment

Present as Yesterday

Read the second Time twelve of the aforegoing Bills, passed, and sent to the Lower House by Benedict Calvert Esq.r

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Read the second Time the Bill, entituled, An Act repealing all the Laws heretofore made for the killing of Crows and Squirrels, or having any Allowance for the same so far as relates to Somerset, Calvert, Prince Georges, and Worcester Counties, and passed with the following Amendments. Leave out the Words so far as relates to Somerset, Calvert, Prince George's, and Worcester Counties in the Title. Leave out after the Word expensive, the Rest of the Preamble. After the Word taxable in the tenth Line leave out in the said Counties of Somerset, Calvert, Prince-George's, and Worcester, in the twelfth Line leave out the Words, as to Somerset, Calvert, p. 199 Prince-George's, and Worcester Counties only. Sent to the Lower House by Col.o Tasker

Adjourned 'till to Morrow Morning ten of the Clock

Nov. 12 Saturday Morning 12: of Nov.r 1757:

This House met again according to Adjournment

Present as Yesterday

Mess.rs Henry and Wilson attend with Col: John Scarborough a Member elected for Worcester County to see him qualified who takes the Oaths to the Government, appointed to be taken by Act of Assembly repeats, and subscribes the Abjuration and Test, and then withdraws. U. H. J. Liber No. 35 Nov. 12

Adjourned 'till Monday Morning 10: of the Clock.

Monday Morning 14. Nov.^{r} 1757. Nov. 14

This House met again according to Adjournment

Present

The honourable
Benjamin Tasker Esq.
Col: Charles Hammond
Samuel Chamberlaine Esq.
Col: Benjamin Tasker
Benedict Calvert Esq
Col: Rob:^{t} Jenckins Henry
Daniel Dulany Esq.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of Eleanor Noe and Sarah Woodman praying an Act may pass to reinstate them in the Possession of a Tract of Land in Charles County taken up by Rob.^{t} Sympkins and Humphrey Howell, and sold by them to a certain Nicholas Guyther rejected. and the Petition of the Inhabitants of the upper Part of S.^{t} Mary's Whitechappel Parish in Dorchester County, praying a Division of the same Parish. rejected.

Read the Petition of John Sewill of Cecil County praying an Allowance may be made him for some Damages done his House and fencing by the Soldiers quartered in Frederick County in December last. and the Petition of divers Inhabitants of Dorchester County, praying a Stop may be put to the common Practice of hunting, and driving over their Plantations, pulling down their Fences, and destroying their Stock, referred to the Consideration of the Lower House and sent by Col: Hammond p. 200

Adjourned 'till to Morrow Morning ten of the Clock.

Tuesday Morning 15. of Nov.^{r} 1757. Nov. 15

This House met again according to Adjournment.

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

U. H. J.
Liber No. 35
Nov. 15

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Nov. 16

Wednesday Morning 16: of Nov.^r 1757.

This House met again according to Adjournment

Present as Yesterday

An engrossed Bill from the Lower House by Mess.^rs Govane, and Owens, entituled, a supplementary Act to an Act entituled An Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of S.^t George's Parish in that County a Sum of Money for the Uses therein mentioned. thus subscribed

14: Nov.^r 1757:

Read and assented to by the Lower House of Assembly.

Signed ꝑ: Order MMacnemara Cl. Lo Ho:

Read and assented to by this House, and ordered to be so subscribed.

A Bill from the Lower House by Mess.^rs Dorsey and Chapline, entituled, An Act to prohibit raising of Swine and Geese in Frederick Town in Frederick County thus endorsed

By the Lower House of Assembly 14. of Nov.^r 1757.

Read the first Time and ordered to lye on the Table

Signed ꝑ. Order M Macnemara Cl Lo. Ho:

By the Lower House of Assembly 16. of Nov.^r 1757.

Read the second Time and will pass.

Signed ꝑ. Order MMacnemara Cl: Lo: Ho:

Read the first Time in this House, and ordered to lye on the Table.

p. 201 Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.^t

Present as in the Morning

A Bill from the Lower House by Mess.^rs Reynolds and Marshall, entituled, An Act suppressing Plumb Point Warehouse in Calvert County thus endorsed.

By the Lower House of Assembly 14. of Nov.^r 1757.

Read the first Time, and ordered to lye on the Table:

Signed ℘ Order MMacnemara Cl: Lo: Ho:

U. H. J.
Liber No. 35
Nov. 16

By the Lower House of Assembly 16. of Nov.ʳ 1757:

Read the second Time, and will pass.

Signed ℘. Order MMacnemara Cl. Lo: Ho:

Read the first Time in this House, and ordered to lye on the Table

Read the Petition of Thomas Boteler sen: of Worcester County, William Jones, George Hardy Jacob Mills sen: William M.ᶜfarling, and John Barney of Dorchester County, Darius Burn, Ferdinande Brewer, John Butler, and William Haley of Talbot County, Samuel Hadley Thomas Harman, Joseph Jackson, Joseph Clift, Thomas Taitte, and John Hollingsworth of Queen Ann's County, William Herring, James Dyer, and John Spencer of Kent County, Henry Bosworth, and David Owens of Cecil County, James Cann, Ezekiel Sullyvan, Richard Beard James Derby, and John Brown of Ann Arundel County. Robert Riddle, Thomas Roberts John Gittings, and Peter Robinson of Prince Georges County. William Monett of Calvert County John Howard of Charles County. Basil Beckwith, John Turnbull, Jacob Holland, John Metcalfe Peter Murphy, John Ragan, and Christian Bogar in Cecil County; and William Fell of Baltimore County, insolvent Debtors in the several County Goals aforementioned, praying Relief. rejected

Adjourned 'till to Morrow Morning 10. of the Clock

Thursday Morning 17. of Nov.ʳ 1757. Nov. 17

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon.

Eodem Die post Meridiem p. 202

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Friday Morning 18. of Nov.ʳ 1757. Nov. 18

This House met again according to Adjournment

Present as Yesterday except Col: Henry.

Read the Petition of Joshua Woollaston of Queen Ann's County praying an Act may be brought in, to confirm his Title to a Mill

U. H. J. Liber No. 35 Nov. 18 built on the Red Lyon Branch by a certain James Robass and read the Petition of Henry Callister of Talbot County against granting the said Petition of Wollaston, both which being considered of, ordered that the said Petition of Woollaston's be rejected

Read the Petition of Robert Freeland of Calvert County praying Leave to bring in a Bill enabling the Clerk of Calvert County to record a Deed from Abraham and Eleazar Birkhead to Rob.^{t} Freeland Father of the Petitioner for a Tract of Land called Truman's-Chance and also to make valid a Deed intended to be executed by the aforesaid Abraham, and Eleazar Birkhead to the said Robert Freeland, for Part of a Tract of Land called Deer Quarter, and read the Petition of Abraham Birkhead, Son and Heir at Law of Eleazar Birkhead against granting the said Freeland's Petition both which being considered of, it is ordered that the said Petition of Freeland be rejected:

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning

Read the second Time the Bill, entituled, An Act to prohibit raising Swine and Geese in Frederick Town in Frederick County, and passed with the following Amendments.

Leave out the last enacting Clause, and insert the two following Clauses.

And be it enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that in Case any Person or Persons whatsoever living or that shall live within the said Town shall after the End of this present Session of Assembly suffer any Swine or
p. 203 Geese belonging to themselves or under their Care and belonging to any other Person to go at large within the said Town, it shall and may be lawful for any Person to shoot or otherwise destroy such Swine or Geese found at large as aforesaid

And be it further enacted by the Authority aforesaid by and with the Advice and Consent aforesaid that if any Person shall be sued or impleaded for shooting or otherwise destroying such Swine or Geese as aforesaid, the Def.^{t} may plead the General Issue, and give this Act and the special Matter in Evidence sent to the Lower House by Daniel Dulany Esq.

Adjourned 'till to Morrow Morning 10. of the Clock

Nov. 19 Saturday Morning 19. Nov.^{r} 1757

This House met again according to Adjournment

Present as Yesterday U. H. J. Liber No. 35 Nov. 19

Mess.^{rs} Plater and Southeron from the Lower House attend with M.^{r} Edmund Key a Member elected for S.^{t} Mary's County to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly, repeats, and subscribes the Abjuration and Test and then withdraws

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridien

This House met again according to Adjournm:^{t}

Present as in the Morning

Read the first Time the Bill prepared in this House, intitled, An Act for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly and ordered to lye on the Table

Adjourned 'till Monday Morning ten of the Clock.

Monday Morning 21. of Nov.^{r} 1757. Nov. 21

This House met again according to Adjournment

Present

The honourable
Benjamin Tasker Esq.
Col: Hammond
Samuel Chamberlaine Esq:
Col: Benjamin Tasker
Benedict Calvert Esq.
Daniel Dulany Esq.

Read the Petition of the Corporation of the City of Annapolis, and others Inhabitants of the said City praying some Provision might be made for such of his Majesty's Forces as should be sent to the said City for Winter Quarters, referred to the Consideration of the Lower House and sent by Col: Tasker p. 204

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the second Time the Bill, entituled, An Act for reducing the Allowances of the Members of the upper and Lower Houses of Assembly, passed, and sent to the Lower House by Samuel Chamberlaine Esq:

Adjourned 'till to Morrow Morning 10. of the Clock

U. H. J. Liber No. 35 Nov. 22 Tuesday Morning 22.d of Nov.r 1757.

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning ten of the Clock

Nov. 23 Wednesday Morning 23.d of Nov.r 1757.

This House met again according to Adjournment

Present as Yesterday and Col: Lloyd.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning except Daniel Dulany

Adjourned 'till to Morrow Morning 10. of the Clock

Nov. 24 Thursday Morning 24. Nov.r 1757:

p. 205 This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by M.r Rob.t Lloyd, and others, entituled, An Act for granting a Supply of £20,000: for his Majesty's Service, and the more immediate Defence, and Security of the Frontier Inhabitants of this Province, and emitting £10,000: thereof in Bills of Credit, and raising a Fund for sinking and replacing the Whole by an equal Assessment on all Estates real and personal, and lucrative Offices, and Employments thus endorsed.

By the Lower House of Assembly 11. of Nov.r 1757.

Read the first Time and ordered to lye on the Table

Signed ꝑ: Order MMacnemara Cl: Lo: Ho:

By the Lower House of Assembly 16. of Nov.r 1757.

Read the second time, and committed for Amendments.

Signed ꝑ Order MMacnemara Cl: Lo: Ho:

By the Lower House of Assembly 23. Nov.ʳ 1757. U. H. J. Liber No. 35 Nov. 24

Read the second Time with the Amendments, and will pass.

Signed ℘. Order MMacnemara Cl. Lo. Ho.

A Message from the Lower House by Mess.ʳˢ Goldsborough and Worthington.

By the Lower House of Assembly 24: of Nov.ʳ 1757.

May it please your Honors.

This House doth propose that the Sum of two hundred Pounds Current Money out of the Money granted for recruiting three hundred Men for his Majesty's Royal American Regiment as is not expended should be paid by the Agents appointed by the Act, intitled, An Act for his Majesty's Service and the further Defence and Security of this Province to Mess.ʳˢ James Maccubbin and James Johnson to be laid out as a present Provision for the quartering such of his Majesty's Forces as are expected to come to the City of Annapolis for Quarters, and desire your Honors Concurrence to such Ordinance for the Payment of that Sum by the said Agents

Signed ℘. Order MMacnemara Cl. Lo. Ho:

The following Message is sent to the Lower House by Benedict Calvert Esq. p. 206

By the Upper House of Assembly 24. of Nov.ʳ 1757.

Gentlemen

This House is willing that the Sum of two hundred Pounds Current Money be paid to Mess.ʳˢ James Maccubbin, and James Johnson in the Manner and for the Purposes directed by your Message of this Afternoon by Mess.ʳˢ Goldsborough and Worthington, and is ready to consent to an Ordinance for that Sum

Signed ℘. Order J Ross Cl: Upp: Ho:

The following Ordinance is brought from the Lower House by Mess.ʳˢ Dulany & Dorsey

An Ordinance for a present Provision for Quarters for such of his Majesty's Forces as are expected to come to the City of Annapolis for Winter Quarters.

It is ordained by his Excellency the Governor, and the Upper and Lower Houses of Assembly that the Sum of two hundred Pounds shall be paid to Mess.ʳˢ James Maccubbin and James Johnson by the Agents appointed by an Act, entituled, An Act for his Majesty's Service and further Defence, and Security of this Province of such Part of the three thousand Pounds granted by the said Act for

U. H. J. Liber No. 35 Nov. 24 recruiting his Majesty's Royal American Regiment, as is not expended to be laid out by the said James Maccubbin and James Johnson as a present Provision for the quartering such of his Majesty's Forces as are expected to come to the City of Annapolis for Winter Quarters, a regular and clear Account of the Disposition of which Money the said James Maccubbin, and James Johnson are hereby directed to lay before the Assembly at their next Meeting.

Hor.° Sharpe

24: Nov.r 1757: Read and assented to by the Lower House of Assembly

Signed ꝑ. Order H. Hooper Speaker

24.th Nov.r 1757. Read and assented to by the Upper House of Assembly

Signed ꝑ: Order B: Tasker, President.

Nov. 25 Friday Morning 25.th of Nov.r 1757.

This House met again according to Adjournment

Present as Yesterday

p. 207 Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning.

Two Bills from the Lower House by Mess.rs Sullyvan and Lee, one entituled, A supplementary Act to an Act entituled, An Act for granting a Supply of £40,000: for his Majesty's Services and striking £34,015. 6. 0: thereof in Bills of Credit, and raising a Fund for sinking the same and a Bill, entituled A supplementary Act to an Act, intitled, An Act for the Preservation of the Breed of wild Deer, thus endorsed

By the Lower House of Assembly 19. of Nov.r 1757.

Read the first Time and ordered to lye on the Table.

Signed ꝑ. Order M Macnemara Cl: Lo: Ho:

By the Lower House of Assembly 24: of Nov.r 1757:

Read the second Time and will pass

Signed ꝑ. Order M Macnemara Cl. Lo. Ho:

Read the first Time in this House, and ordered to lye on the Table

Eleven engrossed Bills from the Lower House by Mess.rs Oldham and King viz.t An Act continuing an Act, entituled An additional and explanatory Act to the Act entituled, An Act impowering the

U. H. J. Liber No. 35 Nov. 25

Comm.^{rs} of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes. An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County—An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies, attending the Sale of strong Liquors, and running of Horse Races near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes, and other Slaves during the said Meetings. and also one other Act, entituled, An Act to amend and explain an Act, entituled, an Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors and running of Horse Races near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes, and other Slaves during the said Meetings—An Act continuing an Act, entituled, A supplementary Act to an Act entituled, an Act laying an Imposition on Negroes and several Sorts of Liquors imported, and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province. An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks within this Province to remove some of the County Records and Papers from the public Offices. An Act continuing an Act entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy. An Act continuing an Act, entituled, An additional supplementary Act to the Act, entituled, An Act relating to Servants and Slaves. An Act continuing an Act, entitled, An Act for Punishment of Horse Stealers and other Offenders. An Act continuing an Act for the more effectual Punishment of Negroes, and other Slaves, and for taking away the Benefit of Clergy from certain Offenders, and a supplementary Act to an Act entituled, An Act to prevent the tumultuous Concourse, Meetings and other Irregularities of Negroes and other Slaves and directing the manner of trying Slaves—An Act continuing an Act entituled, An Act to exempt Persons appearing at Musters from Arrests in Civil Cases. An Act continuing an Act entituled to make the Testimony of convicted Persons legal against convicted Persons. severally thus subscribed p. 208

25:th Nov.^{r} 1757. Read and assented to by the Lower House of Assembly

Signed ꝑ: Order M Macnemara Cl. Lo: Ho:

Read and assented to by this House and ordered to be so subscribed.

Adjourned 'till to Morrow Morning 10. of the Clock.

Saturday Morning 26: of Nov.^{r} Nov. 26

This House met again according to Adjournment

U. H. J. Liber No. 35 Nov. 26 Present as Yesterday except Col: Hammond

Adjourned 'till Monday Morning 10. of the Clock

Nov. 28 Monday Morning 28. of Nov.r 1757.

This House met again according to Adjournm.t

Present

The honble
Benjamin Tasker Esq.
Col. Charles Hammond
Samuel Chamberlaine Esq.
Col. Edward Lloyd
Col: Benjamin Tasker
Benedict Calvert Esq.

p. 209 Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Nov. 29 Tuesday Morning 29. of Nov.r 1757.

This House met again according to Adjournm.t

Present as Yesterday

Read the second Time the Bill, entituled, A supplementray Act to an Act entituled, An Act for the Preservation of the Breed of wild Deer, and will not pass. sent to the Lower House by Col.o Hammond

Read the second Time the Bill, intitled, a supplementary Act to an Act entituled, An Act for granting a Supply of £40,000: for his Majesty's Service, and striking £34015. 6. 0 thereof in Bills of Credit, and raising a Fund for sinking the same, and will not pass. sent to the Lower House by Benedict Calvert Esq

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Nov. 30 Wednesday Morning 30.th of Nov.r 1757

This House met again according to Adjournment.

Present as Yesterday

U. H. J. Liber No. 35 Nov. 30

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Read the first Time the Bill, entituled, An Act for granting a Supply of £20,000 for his Majesty's Service, and the more immediate Defence, and Security of the Frontier Inhabitants of this Province, and emitting £10,000: thereof in Bills of Credit, and raising a Fund for sinking and replacing the Whole by an equal Assessment on all Estates real and personal and lucrative Offices, and Employments and ordered to lye on the Table p. 210

Adjourned till to Morrow Morning 10. of the Clock

Thursday Morning 1. of Dec. 1757 Dec. 1

This House met again according to Adjournment

Present as Yesterday

Read the second Time the Bill, entituled, An Act for granting a Supply of £20,000: for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and emitting £10,000: thereof in Bills of Credit, and raising a Fund for sinking and replaceing the whole by an equal Assessment on all Estates real and personal, and lucrative Offices, and Employments and will not pass: sent to the Lower House by Samuel Chamberlaine Esq:

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of the Mayor, Recorder and Aldermen of the City of Annapolis, praying that an Allowance may be made by the Public for the accommodating such of his Majesty's Forces as are now quartered in this City, referred to the Consideration of the Lower House, and sent by Col: Hammond.

Adjourned till to Morrow Morning 10. of the Clock

Friday Morning 2. or Dec.r 1757. Dec. 2

This House met again according to Adjournment.

U. H. J. Liber No. 35 Dec. 2

Present as Yesterday

A Bill from the Lower House by Mess.^{s} Bracco and Kent, intitled, An additional supplementary Act, to the Act, intitled, An Act for issuing and taking out of the Office of the Comm.^{rs} or Trustees appointed for emitting Bills of Credit established by Act of Assembly the Sum of £4500. Current Money for Encouragement of such able bodied Freemen as shall voluntarily enlist themselves into his Majesty's Service for the intended Expedition against Canada and for maintaining, and conveying them to the Place of Rendezvous, as also for replacing the said Sum and for the better regulating Ordinaries, and Ordinary Keepers, and for other Purposes therein mentioned thus endorsed p. 211

By the Lower House of Assembly 30.th of Nov.^{r} 1757

Read the first Time and ordered to lye on the Table

Signed ꝑ. Order M Macnemara Cl. Lo. Ho:

By the Lower House of Assembly 2.^{d} Dec.^{r} 1757.

Read the second Time and will pass

Signed ꝑ: Order M Macnemara Cl. Lo. Ho:

Read the first Time in this House, and ordered to lie on the Table

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.^{t}

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Dec. 3

Saturday Morning 3.^{d} Dec.^{r} 1757.

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.^{t}

Present as in the Morning

Adjourned till Monday Morning 10. o' the Clock

Dec. 5

Monday Morning 5. of Dec. 1757.

This House met again according to Adjournment.

Present U. H. J. Liber No. 35 Dec. 5

The honble Benjamin Tasker Esq.
Col: Cha.^{s} Hammond
Samuel Chamberlaine Esq.
Col. Benjamin Tasker
Benedict Calvert Esq.

Adjourned till three of the Clock in the Afternoon p. 212

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning 10. of the Clock

Tuesday Morning 6. of Dec. 1757. Dec. 6

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess.^{rs} Edmonson and Gantt entituled, An Act for making valid the Proceedings of the Session of Assembly lately held at Baltimore Town, thus endorsed

By the Lower House of Assembly 4. of Nov.^{r} 1757.

Read the first Time, and ordered to lye on the Table

Signed ꝑ. Order M Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 3.^{d} Dec. 1757:

Read the second Time and will pass:

Signed ꝑ. Order M Macnemara Cl. Lo. Ho:

Read the first Time in this House, and ordered to lye on the Table

Adjourned 'till to Morrow Morning 10. of the Clock

Wednesday Morning 7th of Dec.^{r} 1757. Dec. 7

This House met again according to Adjournment

An engrossed Bill from the Lower House by Mess.^{rs} Reynolds, and Tilden, intitled, An Act to prohibit the raising of Swine and Geese in Frederick Town in Frederick County thus subscribed

3.^{d} Dec. 1757. Read and assented to by the Lower House of Assembly

Signed ꝑ. Order M Macnemara Cl. Lo. Ho:

U. H. J. Liber No. 35 Dec. 7 p. 213 Read and assented to by this House and ordered to be so subscribed:

Read the second Time the Bill, intitled, An Act suppressing Plumb Point Warehouse in Calvert County passed, and sent to the Lower House by Col. Tasker

Read the Petition of several of the Inhabitants of Frederick County praying some further Sum might be allowed them for their Carriages going up to Fort Cumberland. referred to the Consideration of the Lower House, and sent by Benedict Calvert Esq:

Read the second Time the Bill, intitled, An additional supplementary Act to the Act, intitled An Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for emitting Bills of Credit established by Act of Assembly the Sum of four thousand five hundred Pounds Current Money for Encouragement of such able Bodied Freemen as shall voluntarily enlist themselves into his Majesty's Service for the intended Expedition against Canada, and for maintaining and conveying them to the Place of Rendezvous, as also for replacing the said Sum and for the better regulating Ordinaries, and Ordinary Keepers, and for other Purposes therein mentioned, and will pass with the following Amendments

In the first Line of Page 3.^{d} after the Words training, insert, of the Militia, in the seventh Line of the sixth Page after the Word, any, put Part of such, in the ninth Line of the same Page after the Word, that, insert any Part of. sent to the Lower House by Samuel Chamberlaine Esq:

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning and Col: Lloyd

A Bill from the Lower House by Mess.^{rs} Govane and entituled, An Act to impower Susanna Risteau Widow and Administratrix of Talbot Risteau late of Baltimore County deceased to sell the House and Lands therein mentioned for the payment of the Debts of the said Talbot Risteau thus endorsed

By the Lower House of Assembly 7.th of Dec. 1757.

Read the first and second Time by an especial Order, and will pass

Signed ꝑ Order MMacnemara Cl. Lo. Ho:

Read the first Time in this House, and ordered to lie on the Table.

p. 214 Adjourned 'till to Morrow Morning 10. of the Clock

Dec. 8 Thursday Morning 8. of Dec. 1757.

This House met again according to Adjournment

Present as Yesterday except Col: Hammond U. H. J. Liber No. 35 Dec. 8

Read the first Time the Bill prepared in this House, entituled, An Act for quartering and billetting his Majesty's Forces within this Province, and ordered to lie on the Table

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Read the second Time the Bill, entituled, An Act for making valid the Proceedings of the Session of Assembly lately held at Baltimore Town, and will not pass. sent to the Lower House by Benedict Calvert Esq.

Read the second Time the Bill, entituled, An Act for billetting and quartering his Majesty's Forces within this Province passed and sent to the Lower House by Col. Lloyd

The following Message from the Lower House by Mess.rs Tilghman and Carrol

By the Lower House of Assembly Dec. 8. 1757.

May it please your Honors

It having been represented to this House that an Act of Parliament passed in the 30.th Year of his present Majesty prohibiting for a limited Time the Exportation of Grain from these Colonies to any neutral Port has already, and must hereafter be greatly prejudicial to the good People of this Province by means of the severe Restrictions thereby laid on the Trade, and Commerce thereof, we propose to send a Petition to his most gracious Majesty, a Representation to the Lords Commissioners of Trade and Plantations as may be thought most proper in Order to procure those Restrictions to be taken off and presuming your Honours may be desirous to join us therein have named Col: Tilghman, M. Matthew Tilghman, M. Lloyd, M.r Edward Dorsey, M.r Carroll, and M.r Dulany to conferr with such Members of your House as your Honours may think fit to appoint on the Draft thereof

Signed ꝑ. Order M Macnemara Cl Lo Ho.

The Bill prepared in this House entituled, An Act for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly is brought from the Lower House by p. 215

thus endorsed

By the Lower House of Assembly 21. of Nov.r 1757.

U. H. J. Liber No. 35 Dec. 8 Read the first Time and ordered to lye on the Table

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

By the Lower House of Assembly 8. Dec.^r 1757.

Read the second Time and with the Amendments herewith sent will pass

Signed ꝑ. Order M Macnemara Cl. Lo. Ho:

By the Lower House of Assembly 8. of Dec. 1757.

Amendments proposed by the Lower House of Assembly to the Bill, entituled, An Act for reducing the Allowances of the Members of the upper and Lower Houses of Assembly

[The amendments proposed are printed in full in the Lower House Journal pp. 323-326]

p. 219 By the Upper House of Assembly 8.^th Dec. 1757.

Gentlemen

We are willing to join in a Petition to his Majesty or a Representation to the Lords of Trade to take off the Restraint laid on the several Colonies for the Exportation of Grain to any neutral Port as proposed in your Message of this Day, and have named Col: Lloyd, and Col: Tasker to join the Gentlemen appointed by your House for that Purpose.

Signed ꝑ. Order M Macnemara Cl. Lo. Ho. [sic]

Adjourned 'till to Morrow Morning 10. of the Clock.

Dec. 9 Friday Morning 9. of Dec.^r 1757.

This House met again according to Adjournment

Present as Yesterday, and Col: Hammond

Read the second Time the Bill, intitled, An Act to impower Susannah Risteau Widow and Administratrix of Talbot Risteau late of Baltimore County deceased to sell the House and Lands therein mentioned for the payment of the Debts of the said Talbot Risteau, and will pass the following Clause being added thereto—saving to his most sacred Majesty his Heirs and Successors, the Right honourable the Lord Proprietary, and his Heirs and Successors and all Bodies politick and corporate, and all others not mentioned in this Act their sev:^l and respective Rights, sent to the Lower House by Col: Hammond.

An engrossed Bill from the Lower House by Mess.^rs Mackall, and Reynolds, intitled, An Act for suppressing Plumb Point Warehouse in Calvert County thus subscribed

9.^th of Dec. 1757. Read and assented to by the Lower House of Assembly

Signed ꝑ Order M Macnemara Cl. Lo. Ho

Read and assented to by this House, and ordered to be so subscribed U. H. J. Liber No. 35 Dec. 9

Adjourned till to Morrow Morning 10: of the Clock

Saturday Morning 10. of Dec. 1757. Dec. 10

This House met again according to Adjournm.^{t} p. 220

Present as Yesterday

An engrossed Bill from the Lower House, intitled, An Act to impower Susannah Risteau Widow, and Administratrix of Talbot Risteau late of Baltimore County deceased to sell the House and Lands therein mentioned for the Payment of the Debts of the said Talbot Risteau thus subscribed

10. Dec.^{r} 1757. Read and assented to by the Lower House of Assembly.

Signed ꝑ. Order MMacnemara Cl. Lo. Ho:

Read and assented to by this House, and ordered to be so subscribed

Adjourned 'till Monday Morning 10. o' the Clock

Monday Morning 12.th Dec. 1757. Dec. 12

This House met again according to Adjournment

Present

The honourable
Benjamin Tasker Esq. Col: Benjamin Tasker
Col.° Edward Lloyd Benedict Calvert Esq.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.^{t}

Present as in the Morning and Daniel Dulany Esq.

An engrossed Bill from the Lower House by Mess.^{rs} Reynolds, and Ward, intitled, An additional supplementary Act, to the Act, intitled, An Act for issuing, and taking out of the Office of the Commissioners, or Trustees appointed for emitting Bills of Credit established by Act of Assembly, the Sum of £4500. Current Money for Encouragement of such able bodied Freemen as shall voluntarily enlist themselves into his Majesty's Service for the intended Expedition against Canada, and for maintaining and carrying them to the Place of Rendezvous, and also for replacing of the said Sum,

U. H. J. Liber No. 35 Dec. 12 p. 221 and for the better regulating Ordinaries, and Ordinary Keepers, and for other Purposes therein mentioned thus subscribed

12: Dec.r 1757. Read and assented to by the Lower House of Assembly

Signed ꝑ. Order M Macnemara Cl. Lo. Ho:

Read and assented to by this House, and ordered to be so subscribed

A Bill from the Lower House by Mess.rs Wilson and Woodward intitled, An Act for the Speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green of the City of Annapolis Printer. thus endorsed

By the Lower House of Assembly 10: Dec. 1757.

Read the first and second Time by an especial Order, and will pass:

Signed ꝑ. Order M Macnemara

Read the first Time in this House and ordered to lie on the Table.

Adjourned 'till to Morrow Morning 10. of the Clock

Dec. 13 Tuesday Morning 13.th Dec. 1757.

This House met again according to Adjournm.t

Present as Yesterday and Col: Hammond.

Col: Lloyd from the Conference appointed to draw up a Petition to his Majesty and a Representatioń to the Lords of Trade brings in the following Report.

At a Conference of the Members of both Houses of Assembly the 9:th Day of December 1757

Present

The honourable Col: Edward Lloyd. and
Col: Benjamin Tasker of the upper House
and
Edward Tilghman } Walter Dulany
Robert Lloyd } Charles Carroll, and
Matthew Tilghman } Edward Dorsey Esq.rs of the Lower House.

p. 222 Who then chose Col: Edward Lloyd Chairman, and Thomas Johnson jun: Clerk:

Agreed that a Petition to the King be prepared, and also a Representation to the Lords Commissioners for Trade and Plantations on the Subject Matter of this Conference

After several Meetings the Conferrees agreed upon the Forms of a Petition to his Majesty and a Representation to the Lords Commissioners for Trade and Plantations U. H. J. Liber No. 35 Dec. 13

And in Consequence of the Order of the respective Houses, also agree upon the Forms of an Address, to request his Lordship our Lord Proprietary to present that Petition to his Majesty, and also to lay the Representation before the Lords Commissioners, and likewise of an Address to his Excellency the Governor desiring him to transmit them to his Lordship

All which it is agreed shall be laid before the respective Houses

Signed ꝑ. Order Tho.^s Johnson jun: Cl

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Wednesday Morning 14: Dec.^r 1757. Dec. 14

This House met again according to Adjournm.^t

Present as Yesterday

The Bill prepared in this House, intituled, An Act for billetting and quartering his Majesty's Forces within this Province is brought from the Lower House by Mess.^rs Tilghman and Wilson thus endorsed

By the Lower House of Assembly 8. of Dec.^r 1757.

Read the first Time and ordered to lye on the Table

Signed ꝑ. Order MMacnemara Cl. Lo: Ho

and the following Message

[Message printed in full in Lower House Journal pp. 351-352]

Read the second Time the Bill, entituled, An Act continuing an Act entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green of the City of Annapolis Printer, and will pass, the following Clause being added thereto. p. 223

And whereas some of the Laws, and Notes of former Sessions of Assembly have not been delivered to the respective County Clerks within the Time or Times by the said Act limitted, whereby the said County Clerks were prevented from giving a Certificate or Certificates of their being delivered as required to enable the several and respective Sheriffs to pay to the said Jonas Green, or his Order the p. 224

U. H. J. Liber No. 35 Dec. 14 several and respective Sums of Money by the said Act levied for his Use for printing, and delivering the Laws, and Votes, as aforesaid, Be it therefore enacted by the Authority aforesaid that the several and respective Sheriffs within this Province be and are hereby obliged, and required to pay to the said Jonas Green or his Order all and every Sum or Sums of Money heretofore levied by the said Jonas Green by the said Act, any Neglect or Want of such Certificate as aforesaid or any Clause, Matter, or Requisite in the said Act mentioned to the Contrary notwithstanding Sent to the Lower House by Col. Lloyd

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess.rs Tilghman and Carroll

By the Lower House of Assembly 14: Dec.r 1757.

May it please your Honours

We send herewith Triplicates of the Petition to his most excellent Majesty, Representation to the Lords of Trade and Plantations, and Address to the Lord Proprietary, and One to his Excellency the Governor, agreed to by the Conferrees of both Houses to be signed by the honourable President of your House, and presume you will return them to be signed by our Speaker and we have appointed M.r Matthew Tilghman, Col: Scarborough, M.r Charles Carroll, and Captain Arthur Lee to join such of the Members as you shall be pleased to appoint to acquaint the Governor that the two Houses have an Address to present to him, together with the Petition, Representation, and Address before mentioned

Signed ꝑ. Order M. Macnemara Cl: Lo: Ho:

To his Excellency Horatio Sharpe Esq: Governor, and Commander in Chief, in and over the Province of Maryland

The humble Address of the Upper, and Lower Houses of Assembly

p. 225 May it please your Excellency

Having thought it our Duty to preferr an humble Petition to his most sacred Majesty in Order to obtain a Suspension of the late Act of Parliament prohibiting the Exportation of Grain and Provisions from his Majesty's Colonies in America, and also to represent to the Lords Commissioners for Trade, and Plantations, the great Disadvantages the People of this Province must labour under from the Restrictions laid upon their Trade by the said Act, we have addressed the Lord Proprietary to request him to present the said

Petition to his Majesty, and lay the said Representation before the Lords Commissioners, and taken the Freedom to send them herewith to your Excellency, hoping you will be pleased to transmit them to his Lordship

U. H. J.
Liber No. 35
Dec. 14

To the King's most excellent Majesty.

The humble Petition of the Upper and Lower Houses of Assembly of the Province of Maryland

Most gracious Sovereign

Highly sensible of your Majesty's Royal Favour, and Benificence ever extended even to the most remote of your Subjects we with all Humility lay before your Majesty the Distresses which your dutiful, and loyal Subjects of the Province of Maryland are, and must continue to be labouring under by the Restrictions laid upon the Trade, and Commerce of your Plantations, and Colonies in America by an Act of Parliament passed in the thirtieth Year of your Majesty's most happy Reign, for prohibiting the Exportation of Grain and other Provisions from your Majesty's Colonies, and Plantations in America, unless to Great Britain, or Ireland

We humbly crave Leave to express our Fears that your Majesty's Subjects of this Province must unavoidably be rendered unable to support themselves, and Families, and at the same Time pay the heavy Taxes which have been and annually must be imposed on them for his Majesty's Service, and their own Defence and Security during the Continuance of the present War unless by your Majesty's Royal Favour graciously relieved from the Disadvantages and Difficulties occasioned by those Restrictions and the great and irreparable Losses they must sustain thereby, a full and clear Representation whereof we have transmitted to the Lords Commissioners for Trade and Plantations, requesting their Lordship's to lay it before your Majesty p. 226

We most humbly beseech your Majesty to take into your Royal Consideration the distressed Circumstances of your dutiful and loyal Subjects, in your Plantations and Colonies in America under the Restrictions laid upon their Commerce by the above mentioned Act in full and humble Confidence that your Majesty will be graciously pleased to exercise the Power which the Legislature has placed in you to the Relief of the good People of this Province in such manner as may be most agreeable to your Royal Will and Pleasure

To the Right honourable the Lords Commissioners of Trade, and the Plantations

The humble Representation of the Upper and Lower Houses of Assembly

May it please your Lordships

We humbly beg Leave to represent to your Lordships that the Lands in many Parts of the said Province being of a Nature improper

U. H. J. Liber No. 35 Dec. 14 for the Production of Tobacco, the general Staple Commodity thereof, the Occupiers of such Lands have always been under a Necessity of supporting themselves by raising Grain and Provisions

That a very considerable Part of the Lands of the said Province tho' at the first Settlement thereof proper for the Production of Tobacco have by long Cultivation been for some Time past rendered entirely unfit for that Purpose, and the Occupiers of those Lands for their Support to convert them to the raising of Grain /especially Wheat/ and Provisions upon which they now entirely depend

That such of the Inhabitants of the said Province whose Lands are unfit for the Production of Tobacco have not any possible Means of raising Money to pay the Taxes already necessarily imposed, and probably to be imposed on them towards his Majesty's Service, and their own Defence and Security but by their Grain and Provisions

That notwithstanding the greater Part of the Inhabitants of the said Province are employed in the Cultivation of Tobacco their general Staple Commodity, yet they also more or less depend for their Support on the raising Grain and Provisions

That for many Years past great Quantities of Grain, and Provisions, have been exported from the said Province, not only to his p. 227 Majesty's Islands in the West Indies, and to his Plantations on the Continent to the great and mutual Advantage of all his good Subjects of those Islands and Plantations, but to Madeira, and several Places in Europe

That by Means of the Restrictions laid upon the Trade or Commerce of the Colonies in America by the Act of Parliament made in the thirtieth Year of his Majesty's Reign, entituled "An Act to prohibit for a limited Time the Exportation of Corn Grain Meal Malt Flour Bread Biscuit Starch Beef Pork Bacon, and other Victual except Fish and Roots and Rice, to be exported to any Part of Europe Southward of Cape Finisterre, from his Majesty's Colonies and Plantations in America, unless to Great Britain, or Ireland, or to some of the said Colonies and Plantations, and to permit the Importation of Corn and Flour into Great Britain and Ireland in neutral Ships, and to allow the Exportation of Wheat, Barley, Oats, Meal, and Flour, from Great Britain to the Isle of Man, for the Use of the Inhabitants there" great Quantities of Grain and Provisions are now perishing on the Hands of many of the Inhabitants of the said Province, notwithstanding the plentiful Supplies that have been afforded to his Majesty's Fleets and Armies in those Parts

That the great End and Design of the said Act we humbly conceive was to prevent his Majesty's Enemies being supplied with

Provisions by Way of the neutral Ports, and not to prevent his good Subjects from transporting their Commodities from any one of his Islands Plantations, or Colonies, to any other thereof to the best Advantage

U. H. J.
Liber No. 35
Dec. 14

That the said Act obliging the Exporter of any the Commodities therein mentioned, before the shipping, or laying on Board the same to take out Cockets expressing the Particulars thereof to declare the Port or Place for which the said Commodities are designed, and to become bound with two Sureties of known Residence in the respective Colony or Plantation, and of known Ability to answer the Penalty mentioned in such Bond, in treble the Value of such Commodities that they shall not be landed or sold in any Parts whatsoever, other than the Kingdom, Island Plantation, Colony, Port, or Place respectively, for which the same shall be so declared, and to return a Certificate according to the Directions of the said Act that such Commodities have been so landed deprives him of the Advantage of altering his Voyage from Advices he may receive while he is laying such Commodities on Board, which in our Way of Trade is generally some Months be the Gain by such Alteration or the Loss by such Restriction ever so apparent nor can he change his Market unless he first lands his Commodities at the Port or Place, so declared, procures a Certificate thereof, enters into new Bond with proper Sureties as aforesaid the Difficulties in doing which must occasion such Delay and Expence as must probably frustrate the End proposed: By these Means every Merchant or Adventurer Inhabitant here is greatly discouraged from exporting our Grain and Provisions, and every Stranger deterred from coming to trade among us, in order to export them p. 228

That by this general Discouragement to Trade his Majesty's Islands we are informed have at Times suffered greatly through Want of Grain and Provisions, and tho' some few Individuals among the Adventurers in Trade may have been benefitted, yet his Majesty's Subjects in general both in those Islands, and the Plantations on the Continent have been and must continue to be greatly grieved and distressed

That the great Quantities of Grain and Provisions now perishing on Hand must be entirely lost and Multitudes of People rendered unable to pay the Taxes necessary for affording an adequate Assistance towards his Majesty's Service unless their Traders are relieved from the above Restrictions, and Hardships, and have also Liberty to export those Commodities to Madeira, Cadiz, and Lisbon, which we humbly apprehend will not contribute to, or be any way instrumental in supplying his Majesty's Enemies with Provisions but will be of great and mutual Advantage to his Subjects, and good, and faithful Allies

U. H. J. Liber No. 35 Dec. 14 May it please your Lordships

As from the foregoing Representation we presume your Lordships must be made clearly sensible of the distressed Circumstances his Majestys good Subjects particularly of the Province of Maryland already in great Measure are and must inevitably be reduced to if the Restrictions laid upon the Trade and Commerce of the said Province by the said Act is not speedily taken off, we therefore humbly hope for your Lordship's Intercession on their Behalfs with his Majesty to whom we have made humble Application on this Occasion, entirely relying on his most gracious Favour in the Exercise of that Authority which by the said Act he is vested with

To the Right honourable Frederick absolute Lord and Proprietary
of the Provinces of Maryland and Avalon Lord Baron of
Baltimore &c

p. 229 The humble Address of the Upper and Lower Houses of Assembly

May it please your Lordship

Upon Consideration of the distressed Circumstances of great Numbers of the Inhabitants of this Province by means of the Restrictions laid upon the Trade and Commerce thereof by an Act of Parliament passed in the thirtieth Year of his Majesty's Reign entituled, "An Act to prohibit for a limitted Time the Exportation of Corn Grain Meal, Malt, Flour, Bread, Biscuit, Starch Beef, Pork, Bacon, and other Victuals except Fish and Roots and Rice to be exported to any Part of Europe, Southward of Cape Finisterre from his Majesty's Colonies and Plantations in America, unless to Great Britain or Ireland or to some of the said Colonies and Plantations, and to permit the Importation of Corn and Flour into Great Britain and Ireland in neutral Ships, and to allow the Exportation of Wheat, Barley, Oats, Meal, and Flour from Great Britain to the Isle of Man for the Use of the Inhabitants there" We have thought proper To make Application to his most gracious Majesty for Relief, and to represent to the Lords Commissioners for Trade and Plantations the Difficulties and Disadvantages your Lordship's Tenants the good People of this Province labour under by Means of those Restrictions; We must therefore hoping that your Lordship would willingly embrace every Oportunity of promoting the Ease and Prosperity of your Tenants humbly request you will be favourably pleased to present our Petition for that Purpose to his most sacred Majesty and to lay our Representation before their Lordships

Read the first and second Time by especial Order the Bill proposed in this House, intitled, A supplementary Act to the Act, entituled, An Act for his Majesty's Service, and further Defence and Security of the Province, and will pass, and sent to the Lower House by Col: Benjamin Tasker

Adjourned 'till to Morrow Morning 10. o' the Clock

Thursday Morning 15. Dec. 1757.

This House met again according to Adjournment.

U. H. J.
Liber No. 35
Dec. 15

Present as Yesterday

An engrossed Bill from the Lower House by Mess.rs Hynson, and Hanson entituled, An Act continuing an Act entituled An Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer thus endorsed p. 230

15. Dec. 1757. Read and assented to by the Lower House of Assembly.

Signed ꝑ. Order MMacnemara Cl. Lo. Ho:

Read and assented to by this House, and ordered to be so subscribed

The Bill prepared in this House, intitled, a supplementary Act to the Act, intitled, An Act for his Majesty's Service, and further Defence and Security of this Province, is brought from the Lower House by Mess.rs Worthington and Sadler thus endorsed.

By the Lower House of Assembly 14. Dec. 1757.

Read the first Time and ordered to lye on the Table

Signed ꝑ. Order M Macnemara Cl. Lo. Ho:

and the following Message.

By the Lower House of Assembly 15.th Dec. 1757

May it please your Honors

We conceive the Bill herewith sent to be a Money Bill as it alters the Appropriation of public Money, and have therefore returned it without giving it a second Reading

As the Business before this House is completed and the Season so far advanced that the Severity of the Weather may probably incommode us greatly in returning to our respective Homes, we must request your Honours will dispatch what Business lies before you that a speedy End may be put to this Session

Signed ꝑ. Order M Macnemara Cl Lo Ho

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message is sent to the Lower House by Col: Benjamin Tasker

By the upper House of Assembly 14: Dec.r 1757.

U. H. J. Liber No. 35 Dec. 15 Gentlemen

In Answer to your Message of this Day by Mess.rs Tilghman and Carroll, this House hath appointed Col: Lloyd and Col: Tasker to join the Members named by your House to present the Address to p. 231 the Governor together with the Petition to his Majesty the Representation to the Lords of Trade, and the Address to the Lord Proprietary

The following Message with the Bill for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, is sent to the Lower House by Benedict Calvert Esq.

By the Upper House of Assembly 15. of Dec. 1757.

Gentlemen

We have returned you the Bill for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, and altho' a Reduction of the Allowances of the Provincial and County Magistrates does not appear to us to be necessary, yet we have agreed to it that a Bill which may be made in other Respects so conducive to the Ease of the People, and the Dispatch of public Business may not be lost. The Alterations we now offer to your Amendments are so plainly calculated to advance the End professed to be intended by this Bill, to correct the glaring Partialities which some of your Propositions would introduce, and make the respective Parts of it consistent, that we can no more doubt of your ready Concurrence with them; than we can suppose that your Amendments were proposed with a View of obliquely defeating a Law too apparently beneficial to your Constituents to admit of an absolute and direct Rejection

In the first enacting Clause you have offered by your Amendments we propose that the Reduction may take Place from the Beginning of the present Session, and continue for six Years, and therefore instead of the Words from and after the End of this Session for and during the Term of four Years, insert the following Words /viz:t/ during this Session of Assembly and for and during the Term of six Years thereafter

To the Preamble introducing the next Clause add after the Word Province the following Words, and by the Dispatch of public Business, and in the enacting Part of this Clause instead of the Word four, insert six, and in the same Manner alter the other Parts of the Bill so that the Word six may stand in the Place of the Word four.

The next Alteration we offer is to your Amendment whereby 'tis directed that the Members of both Houses, and the Magistrates of the Provincial Court be paid annually. this Amendment we propose may be entirely left out or made more extensive; that other Claimants upon the Public may not have Reason to complain that

U. H. J.
Liber No. 35
Dec. 15

we are regardless of the Justice due to them whilst we take an especial Care to secure to ourselves a speedy and punctual Payment of our Allowances, but if you do not choose to wave this Amendment, we propose that it may be extended so as to include the Officers attending both Houses, and all public Creditors who are usually paid in the Public Levy, and that a Committee composed of an equal Number of the Members of both Houses agreeable to the last Levy Bill, and the usual Practice in such Cases may be appointed to make the annual Assessment, in the Preamble therefore to the Clause directing the annual Assessment after the Word Court insert the following Words, and the Officers attending both Houses of Assembly, and all other public Creditors, and in the enacting Part of the said Clause strike out the Words, and the said Committee together with so many Members of the Upper House not exceeding two as the said House shall think fit to appoint, and in their Place insert the following Words, and six Members of the upper House, and six Members of the Lower House to be appointed by the said respective Houses, and after the Words, Commissioners aforesaid, insert the following Words, and also such Sums of Money and Tobacco as shall be due to the Officers attending both Houses of Assembly, and all other public Creditors usually provided for in Levy Bills

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You have taken Care by a Proviso proposed by you as an Amendment to our Bill, that your Allowances shall be paid in your respective Counties, But why Gentlemen? upon what Principle of Equity? is your Convenience only to be consulted, and that of every other Person whose Claim upon the Public is as justly and legally founded as yours, injuriously neglected? Here you seem to be too sollicitous about your own Interest to remember the common Justice due to others; that this Provision may be equal to all whose Claims upon the Public rest on the same Foundation, insert the Words, to the said Councillors, after the Word, Allowances, and after the Word Delegates insert the Words, and the Dues of all Provincial Magistrates, Officers attending both Houses, and other Creditors aforesaid, and after the Word, paid, leave out the Words to each Delegate, and insert the Words, in equal Proportions in the respective Counties wherein they shall reside, and leave out the Words in the last Line of the said Proviso, that the Delegates for such County, and instead thereof insert the Words that the said Persons.

The last Alteration we shall trouble you with is to the Proviso by which 'tis directed that "all such Councillors who shall serve in the general Assembly, and also such Provincial Magistrates who are, or shall be Inhabitants, and Residents of the City of Annapolis, or whose Habitations are so near the said City that they shall usually in assembly or Provincial Court-Time lodge at Home, shall be allowed only one Half the Sum that others are

U. H. J. Liber No. 35 Dec. 15 to be allowed under this Act." We presume it must have happened through some Mistaken Accident that the Members of the Lower House under the same Circumstances with Councillors and Provincial Magistrates, in Respect of their Residence in the City of p. 233 Annapolis or the Neighbourhood of it were not mentioned in this Clause, as no Reason can be assigned why their Allowances should not be subject to the same Defalcation, and we can't suspect that such a manifest Disregard of all Decorum and the obvious Rules of Equity could be designed. In this Proviso after the Word Councillors, insert, the Words, and Members of the Lower House

Signed ꝑ Order Jn.° Ross Cl: Upp. Ho:

Adjourned 'till to Morrow Morning 10. of the Clock

Dec. 16 Friday Morning 16. Dec. 1757.

This House met again according to Adjournment

Present as Yesterday

The several Paper Bills the Originals of which have passed this House this Session are sent to the Lower House by Benedict Calvert Esq.

A Message from the Lower House with the Bill for lessening the Allowances by Mess.rs Tilghman and Carroll

By the Lower House of Assembly 16. Dec. 1757.

May it please your Honors

Your Message of the 15.th Instant by Benedict Calvert Esq. containing an offer of Alterations to the Amendments by us proposed to the Bill for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly sent down with that Bill is so unparliamentary so contrary to every established Method of proceeding on Bills, that we don't think it right to take it into Consideration, and therefore have herewith again returned you that Bill

Signed ꝑ Order M Macnemara Cl. Lo: Ho:

Mess.rs Tilghman and Williamson acquaint the Governor their House hath no Business before them

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message is sent to the Lower House by Col: Benjamin Tasker.

p. 234 By the Upper House of Assembly 16. Dec. 1757

Gentlemen U. H. J. Liber No. 35 Dec. 16

We are extremely sorry that the Bill for reducing the Allowances of the Members of both Houses, from which so much Benefit would redound to the Province in the Dispatch of public Business, and the Reduction of the Taxes from your Constituents should fail with you upon so slight a Pretence as that intimated in your Message of this Day when no substantial Objection could be made by you to the Justice, or Propriety of the Alterations we proposed, the general Assertion that we have proceeded in an unparliamentary manner may be more easily made as an Evasion than proved or defended, and is somewhat surprising considering the many Instances in which your House hath observed the same Method and it should seem that had there been some little Mistake in the Mode of our Proceeding it might have been obviated if not overlooked with no great Difficulty, were there not really wanting a sincere Disposition to pass this very useful Bill

Signed ꝑ Order M Macnemara Cl. Lo. Ho. [sic]

Benjamin Tasker Esq: attended by the Members of this House presents to his Excellency their Address which follows in these Words

To his Excellency Horatio Sharpe Esq. Governor and Commander in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly

May it please your Excellency

The Letter from the Right honourable the Earl of Loudoun, which you have been pleased to communicate to us, contains such clear and engaging Reasons, and urges such strong and interesting Motives for a Compliance with his Lordship's Requisition, that had we no other Objection to the Supply Bill sent us by the Lower House, than its Disregard of and direct Repugnance to his Lordship's Recommendation we could not have assented to it

Every Part of this prolix, intangled, and impracticable Bill, relative to the and Service of the Troops is so apparently derogatory to the Powers of his Lordship's Commission invasive of the Indubitable Prerogative of the Crown, and incumber'd with such absurd Restrictions as hardly to admit of the least Doubt that in these as well as in many other Instances it was framed with a View to evade the granting of any Money p. 235

The divided State of the Colonies is justly deplored by all sensible Men who are interested in their Safety and Prosperity, and animated with an adequate Zeal for their Welfare, the only Provision amidst the Distraction of such various Views as are entertained in the different Colonies notwithstanding the common Danger, which has the least Tendency towards an Union, or can conduce to an uniform

U. H. J. Liber No. 35 Dec. 16 Plan of mutual Assistance, and Defence is that by which the Forces raised in the respective Governments are subjected to one Direction in their Military Operations; this our most gracious Sovereign has been pleased to appoint by his Commission to the Earl of Loudoun, and we can't but express our Concern that so necessary a Regulation should in this Province, not only not be received with the most dutiful Professions of Gratitude but that even the Royal Power thus exercised for our Benefit should be questioned or counteracted, we shall not trouble your Excellency with a tedious Detail of all the Imperfections of this Bill, our main Purpose being only to acquit ourselves of the Charge of having rejected a Bill calculated for his Majesty's Service which we apprehend must appear at the first Glance to have an opposite Tendency and to be palpably inconsistent with the Duty we owe to our King and Country

We are extremely sorry no Provision has been made at the public Expence for quartering his Majesty's Troops, the Petition preferred by the Corporation of Annapolis, received all imaginable Countenance and Dispatch with us, & when we found that it was rejected by the Lower House, and there was no Probability of their sending us a Bill for the End mentioned in this Application we prepared and sent them one which underwent the same Fate with every other Propisition for this Purpose

We hope your Excellency will excuse the Trouble we have given you by this Address to vindicate our Conduct and assure you of the very grateful Sense, we have of our most gracious Sovereign's paternal Care of his American Subjects, and that to the utmost of our Ability, as a Duty indispensably incumbent upon us, we shall p. 236 embrace every Opportunity of distinguishing ourselves by our Loyalty, advancing the genuine Interests of our Country, and promoting the common Cause

16. Dec. 1757. B. Tasker President

Ordered that the Clerk of this House give the Printer a Copy of the Bill for lessening the Allowances with the Amendments proposed by the Lower House thereto, and the Messages that have passed thereon, and that he be directed to print the same

Benedict Calvert and Daniel Dulany Esq.^{rs} are sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House in the Upper House to see the Bills passed both Houses this Session receive the Assent

The Lower House attend, and by their Speaker present to his Excellency the following Bills

A supplementary Act to an Act entituled, an Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of S.^{t} George's Parish in that County a Sum of Money for the Uses therein mentioned

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An Act continuing an Act, entituled, An additional and explanatory Act to the Act intitled, an Act impowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties, and Parishes

An Act continuing an Act, intituled, An Act for destroying Wolves in Frederick County

An Act continuing an Act, entituled, An Act to prevent certain Evils, and Inconveniencies attending the Sale of strong Liquors, and running of Horse Races near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes, and other Slaves during the said Meetings, and also one other Act, entituled An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies, attending the Sale of strong Liquors, and running of Horse Races near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings

An Act continuing an Act, entituled, A supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes and several Sorts of Liquors imported, and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province p. 237

An Act continuing an Act, intitled, An Act to enable the several and respective County Clerks within this Province to remove some of the County Records and Papers from the public Offices

An Act continuing an Act, intitled, An Act for the more effectual Punishm.^t of certain Offenders, and for taking from them the Benefit of Clergy

An Act continuing an Act, intitled, An Additional supplementary Act to the Act entituled, An Act relating to Servants and Slaves

An Act continuing an Act, intitled, An Act for the Punishment of Horse Stealers and other Offenders

An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders. and a supplementary Act to an Act entituled, An Act to prevent the tumultuous Meetings and other Irregularities of Negroes, and other Slaves, and directing the Manner of trying Slaves

An Act continuing an Act entituled, An Act to exempt Persons appearing at Musters from Arrests in Civil Cases

An Act continuing an Act, entituled, An Act to make the Testimony of convicted Persons legal against convicted Persons.

An Act to prohibit raising of Swine and Geese in Frederick Town in Frederick County

An Act suppressing Plumb Point Warehouse in Calvert County.

U. H. J. Liber No. 35 Dec. 16 An Act to impower Susannah Risteau Widow and Administratrix of Talbot Risteau late of Baltimore deceased to sell the House and Lands therein mentioned for the Payment of the Debts of the said Talbot Risteau.

An additional supplementary Act to the Act entituled, An Act for issuing and taking out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly the Sum of four thousand five hundred Pounds current Money for Encouragement of such able Bodied Freemen as shall voluntarily enlist p. 238 themselves into his Majesty's Service for the intended Expedition against Canada, and for maintaining and conveying them to the Place of Rendezvous, as also for replacing of the said Sum, and for the better regulating Ordinaries, and Ordinary Keepers, and for other Purposes therein mentioned.

An Act continuing an Act, intitled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green of the City of Annapolis Printer.

All which his Excellency passed into Laws in the usual Form by sealing them with the Right honourable the Lord Proprietary his great Seal at Arms, and subscribing them on Behalf of the Right honourable the Lord Proprietary of this Province. I will this be a Law:

After which his Excellency was pleased to conclude this Session with the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly

I have thought fit with the Advice of his Lordship's Council of State to prorogue this Assembly to Tuesday the third Day of January next, you are therefore to take Notice that you are prorogued to that Day accordingly.

Thus ends this Session of Assembly begun and held at the City of Annapolis on Wednesday the twenty ninth Day of September, ending the sixteenth Day of December following, in the seventh Year of his Lordship's Dominion, and in the thirty first Year of his Majesty's Reign, Anno Domini 1757:

J Ross Cl: Upp. Ho:

PROCEEDINGS

OF THE

LOWER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Wednesday the 28th Day of September, in the Year of our Lord One Thousand Seven Hundred and Fifty-seven, and in the Seventh Year of the Dominion of the Right Honourable Frederick, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. (his Excellency Horatio Sharpe, Esq; being Governor), the following Delegates appeared in the Lower House of Assembly, viz.[1]

L. H. J.
Liber No. 49
1757,
Sept. 28
p. 1

For St. Mary's County,

Mr. Edmund Key,
Mr. H. Greenfield Sothoron.

For Kent County,

Alexander Williamson, Esq;
Major William Hynson,
Mr. William Rasin.

For Anne-Arundel County,

Capt. John Gassaway,
Mr. Charles Carroll,
Mr. Brice T. B. Worthington.

For Calvert County,

Mr. Benjamin Mackall,
Mr. James John Mackall,
Mr. Thomas Reynolds,
Mr. Edward Gantt.

For Charles County,

Mr. John Hanson, junior,
Capt. Arthur Lee,
Mr. John Trueman Stoddert.

For Baltimore County,

Mr. William Govane,
Mr. John Hammond Dorsey,
Mr. Thomas Cockey Deye.

For Cæcil County,

Major Nicholas Hyland
Mr. Michael Earle,
Capt. Henry Baker,
Capt. Henry Ward.

For Prince-George's County,

Mr. William Murdock,
Mr. George Fraser,
Mr. Thomas Gantt,
Mr. Francis King.

For the City of Annapolis,

Mr. Walter Dulany,
Dr. George Steuart.

For Queen-Anne's County,

Mr. Robert Lloyd,
Col. Edward Tilghman,
Mr. John Bracco.

L. H. J. Liber No. 49 Sept. 28 For Somerset County,
Mr. Samuel Wilson.

For Worcester County,
Major Benjamin Handy,
Mr. Benton Harris.

For Dorchester County,
Col. Henry Hooper.

For Frederick County,
Mr. Edward Dorsey.

A sufficient Number of Delegates, to compose a Lower House of Assembly, being convened at the Stadt-House, Mr. Walter Dulany, p. 2 a Delegate returned to serve in this Assembly for the City of Annapolis, and Mr. Charles Carroll, a Delegate returned for Anne-Arundel County, attended on his Excellency the Governor to acquaint him therewith.

Benedict Calvert, Esq; and Col. Robert Jenckins Henry, of the Upper House, and Mr. John Ross, Clerk of the Council, came into the Stadt-House, in whose Presence the aforesaid Delegates took the several Oaths to the Government required by Law, signed the Oath of Abjuration, repeated and signed the Test.

Col. Benjamin Tasker, and Daniel Dulany, Esq; from the Upper House, acquaint the Members of this House, That the Governor requires their Attendance in the Upper House.

The Members of the Lower House went to the Upper House. His Excellency required them to return to the Lower House, and choose a Speaker. They returned and unanimously made Choice of Colonel Henry Hooper, a Delegate of Dorchester County, to be their Speaker, and placed him in the Chair.

Mr. Robert Lloyd and Dr. George Steuart are sent to acquaint his Excellency, That this House hath made Choice of a Speaker.

Benedict Calvert, Esq; and Col. Robert Jenckins Henry, from the Upper House, acquaint the Members of this House, That the Governor requires their Attendance in the Upper House, to present their Speaker.

The Members of the Lower House went to the Upper House, and presented to the Governor, Colonel Henry Hooper as their Speaker. His Excellency gave his Approbation of their Choice, and made the following Speech, viz.

Gentlemen of the Upper and Lower Houses of Assembly,

It having been represented to me, that the Money which was Granted by the last Assembly, for the Support of the Troops that have been Raised for the Defence of this Province, is almost expended, I have thereupon called you together, that you may make farther Provision for their Support: And that you may have also an Opportunity to provide for the Reception of such of his Majesty's Regular Forces as shall be ordered hither for Winter Quarters. These Matters the Duty of my Station obliges me to recommend in a particular Manner to your Consideration; but if you shall think fit, after they are dispatched, to proceed to other Business, you may be assured of my ready Assent to any Bills that you shall offer, whereby this Province might be Benefited, or the Security and Welfare of the People Promoted. L. H. J. Liber No. 49 Sept. 28 p. 3

Mr. Speaker (with the Rest of the Members) Returned to the Lower House, and Re-assumed the Chair.

The House proceeded to choose a Clerk, and made Choice of Mr. Michael Macnemara.

Ordered, That Mr. Murdock and Capt. Gassaway do acquaint his Excellency with the Choice which this House made of a Clerk, and to desire his Approbation. They return and acquaint Mr. Speaker, That they delivered the Message, and that his Excellency signified his Approbation.

Ordered, That Alexander Williamson, Esq; and Mr. Dulany, do go with Mr. Macnemara to the Upper House, to see him Qualified as Clerk of this House. They return and acquaint Mr. Speaker, That they saw him take the several Oaths to the Government, sign the Oath of Abjuration, repeat and sign the Test, and take the following Oath of Office,

You Michael Macnemara do swear, That as Clerk of the Lower House of Assembly, you shall true Entries make of all such Matters and Things, as, by the Honourable Speaker for the Time being and that House, shall be to you directed: The Secrets of the said House you shall not divulge, to the Prejudice of the House or any Member thereof; but shall in all Things, as Clerk to the said House, well and truly demean yourself according to the best of your Knowledge. So help you God.

Ordered, That his Excellency's Speech (a Copy of which having been delivered to Mr. Speaker) be Read, which was accordingly.

On Motion, Ordered, That an Address be prepared to his Excellency on his Speech; and that Colonel Tilghman, Mr. Murdock, Mr. Carroll, Mr. Lloyd, and Mr. Edward Dorsey, do prepare and bring in the same.

The House appointed Capt. Robert Saunders Serjeant at Arms, and Andrew Buchanan Door-Keeper, to the Lower House of Assembly; and Ordered, That Dr. Steuart do administer to them the several Oaths to the Government, and the Oath of Office.

Dr. Steuart acquaints Mr. Speaker, That Capt. Saunders took the several Oaths to the Government, signed the Oath of Abjuration, p. 4 repeated and signed the Test, and took the following Oath,

You Robert Saunders do swear, That you will faithfully, diligently and honestly discharge the Office of Serjeant at Arms, to the Lower House of Assembly; and that you shall not disclose or reveal the Secrets thereof. So help you God.

L. H. J. Liber No. 49 Sept. 28

And that Andrew Buchanan took the several Oaths to the Government, signed the Oath of Abjuration, repeated and signed the Test, and took the following Oath,

You Andrew Buchanan do swear, That you will faithfully, diligently and honestly discharge the Office of Door-Keeper to the Lower House of Assembly; and that you shall not disclose or reveal the Secrets thereof. So help you God.

Resolved, That the Hours of Sitting this Session, for Dispatch of Public Business, be from Nine of the Clock until Twelve at Noon, and from Two of the Clock Afternoon until Five.

Ordered, That Mr. Dulany do acquaint the Reverend Mr. Clement Brooke, That he is desired by this House to Read Divine Service at Half an Hour past Eight in the Morning, and at Five in the Afternoon, during this Session.

A Petition of Henry Woodward, complaining of an undue Election and Return, made by the Mayor, Recorder, and Aldermen of the City of Annapolis, of a Delegate for the said City, was preferred to this House; and on Reading thereof, Ordered, That George Steuart, Esq; the Sitting Member, complained of in the said Petition, have a Copy thereof on his Application to the Clerk of this House.

Ordered, That an Hearing on the Petition of Henry Woodward, be had at the Bar of this House, on Saturday Morning the First Day of October next.

Ordered, That Lists of the controverted Votes shall be mutually exchanged between Henry Woodward the Petitioner, and Dr. George Steuart, To-morrow Afternoon at Five of the Clock, with the particular Objection which they intend to insist upon, set against the Name of each Person whose Vote they intend to dispute; and that such Lists shall be respectively confined to such Voters as were objected to at the Time of their giving their respective Votes.

The House adjourns until the Morrow Morning at 9 of the Clock.

Sept. 29 p. 5

Thursday, 29th September, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings of Yesterday were Read.

On Motion, Ordered, That the Mayor, Recorder and Aldermen of the City of Annapolis, do attend at the Bar of this House on Saturday Morning next, being the first Day of October, at the Time of the Sitting of this House, and bring with them the original Poll taken at the late Election for Delegates of the said City.

Mr. John Tilden, a Delegate returned for Kent County; Mr. Samuel Owings, a Delegate returned for Baltimore County; Capt.

Joseph Chapline, Mr. Thomas Beatty, and Col. Thomas Cresap, Delegates returned for Frederick County; appeared in the House. L. H. J. Liber No. 49 Sept. 29

Ordered, That Alexander Williamson, Esq; and Mr. Govane, do go with those Gentlemen to the Upper House, to see them Qualified. They return and acquaint Mr. Speaker, That they saw them Qualified in the usual Manner.

The Gentlemen took their Seats in the House.

Mr. Lloyd brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Murdock brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates

May it please your Excellency,

We, his Majesty's most dutiful and loyal Subjects, the Delegates of the Freemen of Maryland, in Assembly convened, return your Excellency our Thanks for your Speech at the Opening of this Session.

The Matters you have been obliged, by the Duty of your Station, to recommend in a particular Manner to our Consideration, shall have the first Place in our Deliberations.

We cannot but receive with Pleasure, the Assurance your Excellency is pleased to give us of your ready Assent to any Bills that may be offered, whereby this Province may be Benefited, or the Security and Welfare of the People Promoted. And we hope, p. 6 through the Course of our Proceedings to shew, that nothing on our Parts shall be wanting to afford you the Opportunity of perfecting every Thing that may be conducive to those desirable Ends.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Capt. Lee and Mr. Bracco do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That they delivered the Message, and that the Governor was pleased to signify he would be ready to receive the Address in the Conference Chamber in the Afternoon.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Ordered, That Mr. Dulany, with Eleven more, do present the Address to his Excellency.

L. H. J. Liber No. 49 Sept. 29 On Motion, That the Subject-Matter of his Excellency's Speech be now taken into Consideration, the same was accordingly done; and Ordered, That an Address be prepared to his Excellency, requesting him to acquaint this House what Number of his Majesty's Forces he apprehends will be ordered into this Province for Winter Quarters; and that Col. Tilghman, Mr. Lloyd, Mr. Murdock, Mr. Carroll, and Mr. Edward Dorsey, do prepare and bring in such Address.

Col. John Henry, a Delegate returned for Worcester County; Mr. Daniel Sulivane, a Delegate returned for Dorchester County; Mr. Emory Sudler, a Delegate returned for Queen-Anne's County; and Mr. Matthew Tilghman, a Delegate returned for Talbot County; appeared in the House.

Ordered, That Mr. Bracco and Major Handy do go with those Gentlemen to the Upper House, to see them Qualified. They return and acquaint Mr. Speaker, that they saw them Qualified in the usual Manner.

The Gentlemen took their Seats in the House.

The House adjourns until the Morrow Morning at 9 of the Clock.

Sept. 30 p. 7

Friday, 30th September, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings of Yesterday were Read.

Ordered, That Col. Charles Hammond, Treasurer of the Western Shore, do deliver to the Clerk of this House, the Paper, Parchment, Books, Ink-Powder, &c. that he, as Treasurer, had Orders to send for to England, on Account and for the Use of the Public.

Mr. George Plater, a Delegate returned for St. Mary's County, appeared in the House.

Ordered, That Mr. Benjamin Mackall and Mr. Key do go with that Gentleman to the Upper House, and see him Qualified. They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

Mr. Murdock brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

Be pleased to accept my Thanks for your Yesterday's Address, and to believe, that nothing can give me greater Satisfaction, than to have an Opportunity of perfecting any Thing that might be conducive to the Security or Welfare of Yourselves and Your Constituents.

L. H. J.
Liber No. 49
Sept. 30

30th September, 1757. Hor.° Sharpe.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.t

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

Having now under our Consideration the making Provision for the Reception of some of his Majesty's Regular Forces into Winter Quarters, we apprehend it necessary we should be informed what Number of those Forces are proposed to be Quartered within this Province, and at what particular Places, to enable us to judge what p. 8 is most expedient to be done for the Ease and Quiet of the good People of this Province, and the Accommodation of those Troops; and therefore request you'll be pleased to furnish us with that Information.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Govane and Mr. Ward do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That they delivered the Message, and that the Governor was pleased to signify he would be ready to receive the Address in Half an Hour's Time in the Conference Chamber.

Ordered, That Dr. Steuart, and Three more, do present the Address to the Governor.

Philip Hammond, Esq; a Delegate returned for Anne-Arundel County, appeared in the House.

Ordered, That Mr. Gassaway and Mr. Carroll do go with that Gentleman to the Upper House, to see him Qualified. They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

On Motion, Ordered, That the Serjeant at Arms, attending the Lower House of Assembly, do take into his Custody the Body of John Ridout, Esq; and him safe keep, so that he have him at the Bar of this House in his Custody, for his Contempt in refusing to attend according to Order of the House.

The House adjourns until 2 of the Clock Afternoon.

L. H. J. Liber No. 49 Sept. 30 Post-Meridiem. The House met according to Adjournment, &c.

Ordered, That the following Rules be observed as such during this Session, viz.[t]

1.st That no Member of this House shall use any reviling Speeches, or name any Member by his proper Name, otherwise than for Distinction Sake; but shall rather use some other Signification, as The Gentleman that spoke last, or the like.

2.d That no Member speak above once at the Reading of any Bill or Debate, without License of the Speaker and the House; and if Two Persons, or more, shall rise up together, the Speaker shall appoint who shall speak first; and no Member shall interrupt any other, until the Gentleman speaking hath ended. p. 9

3.d That none shall deliver his Opinion, or speak to any Bill or Debate, unless he shall stand up, and reverently direct his Speech to the Speaker.

4.th That every Bill proposed to the House shall be Read Two several Days before it is sent to the Upper House, and once after, before it be Ingrossed, and that between every Reading one Day shall be intermitted; and that in that Time the Bill be laid on the Table, for the Perusal of all the Members; unless, on very urgent Occasions, Mr. Speaker, with the Consent of the House, shall dispense therewith; and then one Bill Being Read Twice at one Sitting, shall be as sufficient as if Read several Days, when so entered in the Clerk's Journal.

5.th That no Person shall come into the House of Assembly whilst the same is Sitting, with Sword or other Weapon, upon Penalty of such Fine as shall be imposed on them by the Speaker, not exceeding Five Shillings for any Offence.

6.th That if any Member, bound to attend this Assembly, shall be absent at the Hours and Place appointed, after the Number of Twelve of the Members, with the Speaker, are met, according to the Order for Sitting, shall be fined according to the Discretion of the Speaker, not exceeding Five Shillings for any Offence; unless upon such lawful Excuse as the Speaker shall admit of.

7.th All Misdemeanours which shall happen in the House, shall be censured and fined in the House.

8.th That no Bill shall be Read at any Time during this Session, till all the Members in Town be called in; except on some Excuse to be admitted by the Speaker.

9.th That if any Member of this House do depart, without Leave from the Honourable Speaker and the House, such Member shall forfeit all his preceding Allowances due to him for his Attendance that Session.

Resolved Unanimously, That the following be Entered on the Journal, as the Resolves of this House, viz.[t] L. H. J. Liber No. 49 Sept. 30

Resolved by the House, That the Members who are appointed as Members of the Committee of Aggrievances, have likewise the Character of a Committee for Courts of Justice; and that That Character, and the Duty of such Committee, be annexed to the said Committee of Aggrievances, as a standing Part of their Duty. And that to be an Instruction to the said Committee of Courts of Justice, that they observe the Nature of all the Commissions to the several Courts of Judicature within this Province; and that they especially observe any Alterations that may at any Time happen by accidental Omission, or otherwise, therein; and particularly relating to such Words therein, as require the several Judges and Justices to hear, try, and determine, according to the Laws, Statutes, Ordinances, and reasonable Customs of England and of this Province, or to such other Words as have Relation thereto; and that they shall immediately make Report to the House of any Alteration that shall at any Time happen in such Commission; and likewise to have Regard, as near as may be, to observe wherein they differ from the Forms of the several Sorts of Commissions to the Judges and Justices in England. p. 10

Likewise Resolved, That it be an Instruction to the said Committee, to inspect the Form of the Oaths of Office, that have been, and now are usually taken by the several Magistrates; and that in case the following Clause be not inserted in the said Oath, it be Reported to the House; such Clause being agreeable to the Oath taken by the Judges in England, and Resolved to be necessary here, viz.[t]

To do equal Law and Right to all the King's Subjects, Rich and Poor; and not to delay any Person of common Right, for the Letters of the King, the Lord Proprietary, or of any other, or for any other Cause; but if any such Letters come to them, they shall proceed to do the Law, the same Letters notwithstanding.

And that a Copy of these Resolves be made and given to the said Committee, when they first go out every Sessions; and that making and giving such Copies be the undoubted Duty of the Clerk of this House, and within the Purview of his Oath.

Resolved also, That this Province is not under the Circumstances of a conquered Country; that if it were, the present Christian Inhabitants thereof would be in the Circumstances, not of the Conquered, but of the Conqueror, it being a Colony of the English Nation, encouraged by the Crown to transplant themselves hither, p. 11 for the Sake of improving and enlarging it's Dominions; which, by the Blessing of God upon their Endeavours, at their own Expence and Labour, has been in great Measure obtained: And 'tis Unanimously Resolved, That whoever shall advance, that his Majesty's Subjects, by such their Endeavours and Success, have forfeited any

L. H. J. Liber No. 49 Sept. 30 Part of their English Liberties, are not Well-wishers to the Country, and mistake it's happy Constitution.

Resolved also, That if there be any Pretence of Conquest, it can be only supposed against the Native Indian Infidels; which Supposition cannot be admitted, because the Christian Inhabitants purchased great Part of the Land they at first took up from the Indians, as well as from the Lord Proprietary, and have ever since continued in an amicable Course of Trade with them; except some partial Outrages and Skirmishes, which never amounted to a general War, much less to a general Conquest, the Indians yet enjoying their Rights and Privileges of Treaties and Trade with the English, of whom we yet frequently purchase their Rights of such Lands as we take up, as well as of the Lord Proprietary.

Resolved further, That this Province hath always hitherto had the Common Law, and such general Statutes of England, as are securitative of the Rights and Liberties of the Subject, and such Acts of Assembly as were made in the Province to suit it's particular Constitution, as the Rule and Standard of it's Government and Judicature; such Statutes and Acts of Assembly being subject to the like Rules of Common Law, or equitable Construction, as are used by the Judges in construing Statutes in England; which happy Rules have, by his Majesty and his Royal Ancestors, and also by his Lordship and his Noble Ancestors, or some of them, been hitherto approved, by having the Commissions of Judicature to include Directions of that Nature to the several judicial Magistrates; unless those Words have at any Time been casually or carelessly omitted by the Officers in this Province, that drew such Commissions.

Resolved, That the Levying and Taking the Sum of Twelve Pence Sterling ꝑ Hogshead, by the Right Honourable the Lord Proprietary of this Province, on all Tobacco exported out of the same, under Pretence and Colour of the Act of 1704, is not warranted by Law.

Resolved, Nemine Contradicente, That if the above Act of 1704 p. 12 had been in Force from the Restoration of the Government by the Crown to the Right Honourable the Lord Proprietary, to this Time; yet, the Sum of Three Pence Sterling, Part of the said Twelve Pence Sterling, agreeable to the plain Construction of the abovementioned Act of 1704, and her late Majesty Queen Anne's Instructions to her Governor here when the said Act was in Force, ought to be applied towards the purchasing of Arms and Ammunition for the Defence of this Province.

A Petition of the Freeholders of Baltimore County, on Behalf of themselves and many others, free Voters of the County aforesaid, complaining of an undue Election of Delegates for the said County, was preferred to this House; and on Reading thereof, Ordered, That an Hearing on the said Petition be had at the Bar of this House on

Wednesday next, being the 5th Day of October; and that the Sheriff of Baltimore County do attend this House on the said 5th Day of October, and bring with him the original Poll taken at the late Election of Delegates for the said County.

L. H. J.
Liber No. 49
Sept. 30

Ordered, That the Petitioners, and all Parties concerned, have Summonses for Witnesses in Relation to the said Petition, upon Application to the Clerk of this House for that Purpose.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

I am sorry to inform you, that as I was this Day at Dinner, your Serjeant came into my House and demanded to see my Secretary; and on my asking him, Upon what Account He told me, That he had Orders from your House to take him into Custody. I could not help being at first much surprized at his Answer; but, recollecting that your Serjeant is but just appointed, and concluding that he must as yet be almost a Stranger to the Duty of his Office, I suppose he must have behaved in this Manner without any Orders for so doing: If that is the Case, I shall excuse him on the Consideration abovementioned; but if he acted in this Manner by any Order of your House, I can't but expect that the Reason of such an extraordinary Proceeding, without any previous Application, will be communicated to me.

Hor.º Sharpe.

Which was Read, and Ordered to lie on the Table.

p. 13

A Petition of Richard Gresham, Hugh Wallis, Thomas Smyth, and James Ringgold, complaining of an undue Election of Delegates for Kent County, was preferred to this House; and on Reading thereof, Ordered, That an Hearing on the said Petition be had at the Bar of this House on Friday next, being the 7th Day of October; and that the Sheriff of Kent County do attend this House on the said 7th Day of October, and bring with him the original Poll taken at the late Election of Delegates for the said County.

Ordered, That the Petitioners, and all Parties concerned, have Summonses for Witnesses in Relation to the said Petition, upon Application to the Clerk of this House for that Purpose.

Mr. Murdock brings in and delivers to Mr. Speaker, Accounts relating to the Disposal of the Money raised by the Act, [entituled, An Act for Granting a Supply of Forty Thousand Pounds for his Majesty's Service; and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit; and Raising a Fund for sinking the same; and by the Act, entituled, An Act for his Majesty's Service, and further Defence and Security of this Prov-

L. H. J. Liber No. 49 Sept. 30 ince; and by the Act, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province;] and the several Books in which the said Accounts are kept.

Which were Ordered to lie on the Table.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 1 Saturday, 1st October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings of Yesterday were Read.

Ordered, That the Petitioners, named in the Petition preferred to this House, complaining of an undue Election had for Kent County at the late Election, or such of the Petitioners as are now attending this House, do, by Five of the Clock this Evening, point out to the Sitting Members returned for the said County, such Voters as they object to as illegal Votes, given at the said Election.

The Order of the Day being Read; the House proceeded to take into Consideration the Petition of Mr. Henry Woodward, complaining of an undue Election and Return of a Delegate for the City of Annapolis; and after hearing Council at the Bar, on Behalf of the Petitioner, and of Dr. George Steuart the Sitting Member, Referred the Consideration thereof until the Afternoon. p. 14

Th House adjourns for an Hour.

The House met according to Adjournment, &c.

The House proceeded on the Enquiry into the Petition of Henry Woodward, against the Election of Delegates for the City of Annapolis; and after hearing the Allegations of the said Mr. Henry Woodward the Petitioner, and Dr. George Steuart the Sitting Member, by their Council, upon the most mature Consideration of the Merits of the said Election, Resolved, That the said Dr. George Steuart, Returned as a Citizen and Delegate for the City of Annapolis, is not duly Elected.

Ordered, That Mr. Speaker do acquaint him, That he is Dismissed from any further Attendance in the House; which Mr. Speaker accordingly did.

Resolved Unanimously, That Mr. Henry Woodward is duly Elected a Delegate for the City of Annapolis.

The Question was put, Whether the Mayor, Recorder, and Aldermen, of the City of Annapolis, be sent for to alter the Return made by them, in the Indenture annexed to the Writ of Election directed to them, or Not Resolved in the Negative.

L. H. J.
Liber No. 49
Oct. 1

For the Affirmative,

Plater,
Williamson,
Tilden,
Carroll,
Worthington,
Lee,
Stoddert,
M. Tilghman,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Beatty,
Cresap.

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For the Negative,

Key,
Sothoron,
Hynson,
Rasin,
Hammond,
Gassaway,
Reynolds,
E. Gantt,
Hanson,
Wilson,
Sulivane,
Govane,
J. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Dulany,
Murdock,
Bracco,
Sudler,
Henry,
Handy,
Harris,
Chapline,
E. Dorsey.

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Resolved, That the Serjeant at Arms do acquaint John Bullen, Esq; late Mayor of the City of Annapolis, That this House requires his immediate Attendance; who accordingly appearing at the Bar, Mr. Speaker delivered himself in the following Manner:

p. 15

This House, after a full Enquiry into the Merits of the Election for the City of Annapolis, have found and Resolved, that Dr. George Steuart was not duly Elected.

They have likewise found and Resolved, that Mr. Henry Woodward is duly Elected, and therefore ought to have been Returned; and have accordingly sent for you, as having been principal Member of the said Corporation at the Time when the Return was made, and having signed thereto as such, to regulate the Return, by Erasing the Name of Dr. George Steuart, and Inserting in it's Place the Name of Henry Woodward, who is the Person you ought at first to have mentioned therein; and you are Ordered by this House to do it accordingly.

In Pursuance whereof, the Return was, by the said John Bullen, altered accordingly.

Ordered, That Mr. Henry Woodward do make his Appearance in the House; which he accordingly did.

Ordered, That Mr. Dulany and Mr. Worthington do go with that Gentleman to the Upper House to see him Qualified. They return and acquaint Mr. Speaker, They saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

L. H. J. Liber No. 49 Oct. 1 On Motion, Ordered, That an Address be prepared to his Excellency, in Answer to his Message of Yesterday Afternoon; and that Col. Tilghman, Mr. Lloyd, Mr. Murdock, Mr. Carroll, and Mr. Edward Dorsey, do prepare and bring in such Address.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

I cannot inform you what Number of Regular Troops will be certainly sent to Quarter in this Province, during the approaching Winter; but Sir John St. Clair, his Majesty's Deputy-Quarter-Master-General in America, tells me, that he imagines the Earl of Loudoun will order Two Regiments hither. Should his Lordship come to that Resolution, I submit it to you whether the Officers and Men may not, if the Deputy-Quarter-Master-General gives Directions for their being so distributed, be accommodated at the Places mentioned in the inclosed Paper.

Hor.° Sharpe.

At Baltimore-Town in Baltimore County,	Two Companies,
At Annapolis,	Three Companies,
At London-Town in Anne-Arundel County,	One Company,
p. 16 At Upper-Marlborough in Prince-George's County,	One Company,
At Bladensburg,	One Company,
At Frederick-Town in Frederick County,	Three Companies,
At Charles-Town in Cæcil County,	Two Companies,
At Frederick-Town in Cæcil County,	One Company,
At George-Town in Kent County,	One Company,
At Chester in Kent County,	Two Companies,
At Queen's-Town in Queen-Anne's County,	One Company,
At Oxford in Talbot County,	One Company,
At Cambridge in Dorchester County,	One Company.

Which was Read, and Ordered to lie on the Table.

Mr. Hammond, Mr. Gassaway, Mr. King, Mr. Murdock, Mr. Edward Gantt, Mr. Thomas Gantt, and Mr. James John Mackall, have Leave of the House to be absent till Monday.

The House adjourns until Monday Morning at 9 of the Clock.

Oct. 3

Monday, 3rd October, 1757.

The House met according to Adjournment: The Members were called, and all present as on Saturday, except Mr. J. J. Mackall and Capt. Gassaway. The Proceedings of Saturday were Read.

Mr. John Goldsborough and Mr. Pollard Edmondson, Two Delegates returned for Talbot County; Mr. Joseph Cox Gray, a Delegate returned for Dorchester County; and Mr. George Dent, a Delegate returned for Charles County; appeared in the House. L. H. J. Liber No. 49 Oct. 3

Ordered, That Mr. Sulivane and Mr. Lee do go with those Gentlemen to the Upper House, to see them Qualified. They return and acquaint Mr. Speaker, That they saw them Qualified in the usual Manner.

The Gentlemen took their Seats in the House.

Ordered, That the Clerk of this House do write to the Clerks of the several County Courts of this Province, to transmit to this House forthwith, exact Accounts of the precise Times all the Votes and Proceedings of the several Sessions of the late General Assembly, and Laws, after each respective Session, came to their Hands; and that they likewise send an Account of what Certificates they have p. 17 made out under the Laws, that were since the last General Assembly, and now are in Force, for the Benefit of Jonas Green, Printer.

The House appointed Mr. John Goldsborough, Mr. Hyland, Mr. Matthew Tilghman, Mr. Williamson, Mr. Carroll, and Mr. James John Mackall, a Committee of Elections and Privileges.

Mr. Murdock, Mr. Goldsborough, Mr. Matthew Tilghman, Mr. Carroll, Mr. Edward Dorsey, Mr. Bracco, Mr. Hammond, and Col. Tilghman, a Committee of Aggrievances and Courts of Justice.

Mr. Murdock, Mr. Goldsborough, Mr. Lloyd, Mr. Govane, and Col. Cresap, a Committee of Accounts.

Mr. James John Mackall, Major Hyland, Mr. Benjamin Mackall, Mr. Fraser, Mr. Lee, and Col. Cresap, a Committee to enquire into the State and Condition of the Arms and Ammunition, and Accounts relating thereto.

Mr. Dulany, Mr. Earle, Col. John Henry, Mr. Lloyd, Mr. Bracco, Mr. Williamson, Mr. Matthew Tilghman, and Mr. Worthington, a Committee to inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly.

Col. Tilghman, Mr. Matthew Tilghman, Mr. Lloyd, Mr. Carroll, Mr. Murdock, Mr. Hammond, and Mr. Dorsey, a Committee to inspect into the several Offices, and Report to the House the State and Condition thereof.

Mr. Lloyd, Mr. Bracco, Mr. Matthew Tilghman, Major Hynson, Mr. Earle, Col. Henry, and Col. Cresap, a Committee to enquire into the Accounts, appointed by the Act, [entituled, An Act for Granting a Supply of Forty Thousand Pounds for his Majesty's Service; and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof, &c.] and the Act, entituled, [An Act for his Majesty's Service, and further Defence and Security of this Province;] and the Act, entituled, [An Act for his Majesty's Service,

L. H. J. Liber No. 49 Oct. 3 and the more immediate Defence and Protection of the Frontier Inhabitants of this Province.]

The following Message, viz.[t]

By the Lower House of Assembly, 3d October, 1757.

May it please your Honours,

p. 18 This House hath appointed Mr. Dulany, Mr. Earle, Col. Henry, Mr. Lloyd, Mr. Bracco, Mr. Williamson, and Mr. Matthew Tilghman, a Committee from this House to inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly; and desire your Honours to appoint one or more of the Members of your House to join in the said Committee.

Signed ꝑ Order, M. Macnemara, Cl Lo Ho

Was sent to the Upper House by Mr. Dulany and Mr. Earle.

The House adjourns until 2 of the Clock Afternoon.

Post Meridiem. The House met according to Adjournment, &c.

Mr. Goldsborough, from the Committee of Accounts, acquaints Mr. Speaker, That that Committee had made Choice of Mr. Beale Nicholson for Clerk, and desires the Approbation of the House.

The House approves the Choice, and Ordered that he be Qualified in the usual Manner.

Philip Hammond, Esq; from the Committee of Grievances and Courts of Justice, acquaints Mr. Speaker, That that Committee had made Choice of Mr. William Wilkins for Clerk, and desires the Approbation of the House. The House approves the Choice, and Ordered that he be Qualified in the usual Manner.

Mr. Matthew Tilghman, from the Committee of Elections and Privileges, acquaints Mr. Speaker, That that Committee had made Choice of Mr. William Wilkins for Clerk. The House approves the Choice.

Major Hyland, from the Committee of Arms and Ammunition, and Accounts relating thereto, acquaints Mr. Speaker, That that Committee had made Choice of Mr. William Wilkins for Clerk. The House approves the Choice.

Mr. Henry Waggaman, a Delegate returned for Somerset County, appeared in the House.

Ordered, That Col. Henry and Mr. Wilson do go with that Gentleman to the Upper House, to see him Qualified. They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

p. 19 Ordered, That Mr. Waggaman be added to the Committee of Accounts; and to the Committee for enquiring into the Agents Accounts.

L. H. J. Liber No. 49 Oct. 3

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Hammond hath Leave of the House to go home.

On Motion, That a Committee be appointed to enquire into the Disbursement of the Monies raised by several Acts of Assembly for maintaining the Forces to Guard the Western Frontier of this Province, and into the State and Condition of Fort Frederick, and into the Conduct and Behaviour of the Officers and Soldiers supported in the Pay of this Province; Col. Tilghman, Mr. Hammond, Mr. Murdock, Mr. Matthew Tilghman, Mr. Carroll, Mr. Edward Dorsey, Col. Cresap, and Mr. Chapline, be appointed a Committee for that Purpose; and that they be impowered to send for Persons, Papers, and Records, to attend them.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

Mr. John Ridout having been Guilty of a Contempt of the Authority, and of a Breach of the Rights and Privileges of this House, at the Bar thereof, we did issue a Warrant to our Serjeant to take him into Custody: This we conceive to be a Right which we ought to exercise without any previous Application to your Excellency. If the Serjeant, in the Execution of his Duty, behaved in a Manner inconsistent with the Decorum that ought to be observed in your Excellency's House while you are at Dinner, it was not by any Direction from this House; and we hope, if he has been Guilty of the least Intrusion or Indecency, your Excellency will impute it to his being but just appointed to his Office.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. John Goldsborough and Mr. Plater do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address in Half an Hour's Time in the Conference Chamber. p. 20

Ordered, That Mr. Lloyd, and Fourteen more, do present the Address to the Governor.

On Motion, Ordered, That an Address be prepared to his Excellency, in Answer to his Message of Saturday Afternoon; and that Col. Tilghman, Mr. Murdock, Mr. Matthew Tilghman, Mr.

L. H. J. Liber No. 49 Oct. 3 Carroll, and Mr. Edward Dorsey, do prepare and bring in such Address.

The following Certificates were produced to the Clerk of the House, viz.t

I hereby certify, That Messieurs William Wilkins and Beale Nicholson came before me the Subscriber, one of his Lordship's Justices of the Peace for Anne-Arundel County, and did severally take the usual Oaths to the Government appointed to be taken by Act of Assembly, also repeated and signed the Oath of Abjuration and Test: And likewise did severally take the following Oath as Clerks to the Committees, to which they the said William Wilkins and Beale Nicholson are appointed by the Honourable the Lower House of Assembly, viz.t

You William Wilkins and Beale Nicholson do swear, That you will true Entries make of all such Matters and Things as shall be to you directed by any Committee of the Lower House of Assembly, for whom you shall act as Clerks; and that you will not divulge the Secrets of the said House of Assembly, or of any Committee thereof; but will, in all Things, well and truly demean yourselves according to the best of your Knowledge. So help you God.

Certified ꝑ me this 3d Day of October, 1757.

Thomas Jennings.

I certify, That Thomas Johnson, junior, came before me the Subscriber, one of his Lordship's Justices of the Peace for Anne-Arundel County, and took the several Oaths to the Government, made, repeated and subscribed the Oath of Abjuration and the Test; and also took the following Oath, viz.t

p. 21 You Thomas Johnson, junior, do swear, That you will true Entries make of all such Matters and Things as shall be to you directed by any Committee of the Lower House of Assembly, for whom you shall act as Clerk; and that you will not divulge the Secrets of the said House of Assembly, or of any Committee thereof; but will, in all Things, well and truly demean yourself according to the best of your Knowledge. So help you God.

Thomas Jennings.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 4

Tuesday 4th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Hammond. The Proceedings of Yesterday were Read.

Capt. Gassaway appeared in the House.

The humble Petition and Representation of the Freeholders of St. Mary's County, complaining of an undue Election for the said County, was preferred to this House; and being Read, Ordered, That an Hearing be had on the said Petition at the Bar of this House on Wednesday the 12th Day of October Instant. L. H. J. Liber No. 49 Oct. 4

Ordered, That the Petitioners, and all Parties concerned, have Summonses for Witnesses in Relation to the Allegations and Facts contained in the said Petition, upon Application to the Clerk of this House for that Purpose.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.^{t}

By the Upper House of Assembly, 4th October, 1757.

Gentlemen,

This House hath appointed Samuel Chamberlaine, Esq; to join the Members named by your House in a Committee to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office.

Signed ꝑ Order, J. Ross, Cl Up Ho

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem: The House met according to Adjournment, &c.

Mr. James John Mackall appeared in the House.

The House adjourns until the Morrow Morning at 9 of the Clock.

Wednesday, 5th October, 1757. Oct. 5 p. 22

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings of Yesterday were Read.

Mr. Goldsborough, from the Committee of Elections and Privileges, brings in and delivers to Mr. Speaker, the following Report, viz.^{t}

By the Committee of Elections and Privileges, October 5th, 1757.

Your Committee having inspected the Writs directed to the several Sheriffs, and Returns thereon, for Electing Deputies and Delegates to serve in this General Assembly, do find,

That Messieurs George Plater, John Reeder, junior, Henry Greenfield Sothoron, and Edmund Key, Delegates of St. Mary's County, are duly Returned.

That Messieurs Benjamin Mackall, James John Mackall, Thomas Reynolds, and Edward Gantt, Delegates of Calvert County, are duly Returned.

That Messieurs Samuel Wilson, Henry Waggaman, Henry Lowes, and Levin Gale, Delegates of Somerset County, are duly Returned.

L. H. J. Liber No. 49 Oct. 5 That Messieurs William Govane, John Hammond Dorsey, Thomas Cockey Deye, and Samuel Owings, Delegates of Baltimore County, are duly Returned.

That Messieurs John Scarborough, John Henry, Benjamin Handy, and Benton Harris, Delegates for Worcester County, are duly Returned.

That Messieurs Nicholas Hyland, Michael Earle, Henry Baker, and Henry Ward, Delegates of Cæcil County, are duly Returned.

That Messieurs John Hanson, junior, Arthur Lee, George Dent and John Trueman Stoddert, Delegates of Charles County, are duly Returned.

That Messieurs Joseph Chapline, Edward Dorsey, Thomas Beatty, and Thomas Cresap, Delegates of Frederick County, are duly Returned.

That Messieurs Pollard Edmondson, Edward Oldham, John Goldsborough, and Matthew Tilghman, Delegates of Talbot County, are duly Returned.

That Messieurs Henry Hooper, Joseph Cox Gray, Daniel Sulivane, and Philemon Lecompte, Delegates of Dorchester County, are duly Returned.

That Messieurs Thomas Gantt, George Fraser, Francis King, and William Murdock, Delegates of Prince-George's County, are duly Returned.

That Messieurs Brice Thomas Beale Worthington, John Gassaway, Charles Carroll, and Philip Hammond, Delegates of Anne-Arundel County, are duly Returned.

p. 23 That Messieurs John Tilden, William Rasin, William Hynson, and Alexander Williamson, Delegates of Kent County, are duly Returned.

That Messieurs Robert Lloyd, Emory Sudler, Edward Tilghman, and John Bracco, Delegates of Queen-Anne's County, are duly Returned. And,

That Messieurs Walter Dulany and Henry Woodward, Delegates of the City of Annapolis, are duly Returned.

Which is humbly submitted to the Consideration of your Honourable House.

Signed ꝑ Order, William Wilkins, Clerk.

Which was Read, and Ordered to lie on the Table.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The Order of the Day being Read; the House took into Consideration the humble Petition of Richard Chase, and Others the

L. H. J. Liber No. 49 Oct. 5

Subscribers, Freeholders of Baltimore County, on Behalf of themselves and many others, free Voters of the County aforesaid; and on hearing Mr. Richard Chase, one of the Petitioners, at the Bar, and on mature Consideration of the Merits of the said Election, Dismissed the said Petition.

Ordered, That Mr. John Goldsborough, Mr. Murdock, and Mr. Benjamin Mackall, be a Committee to Tax the Fees and Costs which have accrued due to the Officers of this House and Others, on the Petition of the Subscribers, Freeholders of Baltimore County, on Behalf of themselves and many others, free Voters of the County aforesaid, and Report the same to the House.

Mr. Murdock hath Leave of the House to go home.

The House adjourns until the Morrow Morning at 9 of the Clock.

Thursday, 6th October, 1757. Oct. 6

The House met according to Adjournment: The Members were called and all present as Yesterday.

The Proceedings of Yesterday were Read.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Hammond appears in the House.

Mr. Rasin hath Leave of the House to go home.

Mr. Dorsey brings in the following Address to his Excellency, viz.[1]

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland: p. 24

The humble Address of the House of Delegates.

May it please your Excellency,

We perceive by your Excellency's Message of the First Instant, that the Earl of Loudoun was not determined what Number of Soldiers he should send hither for Winter Quarters, and we apprehend that the Number mentioned to you by his Majesty's Deputy-Quarter-Master-General, will be greater than can be well accommodated within this Province, where there are few Towns that have more than One or Two Inns or Public Houses in them.

We therefore beg that your Excellency will present to his Lordship our Inability to provide for so large a Number, and request, that his Lordship will be favourably pleased to order no more than One Regiment to this Province, which, in the Opinion of this House, are as many as can be well accommodated with Winter Quarters here, with any tolerable Ease to the People, and Satisfaction to the Troops.

On Motion, the Question was put, Whether the House approves the said Address, or Not Resolved in the Affirmative.

L. H. J.
Liber No. 49
Oct. 6

For the Affirmative,

Sothoron,
Williamson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Reynolds,
Lee,
Dent,
Stoddert,
Waggaman,
Goldsborough,
M. Tilghman,
Edmondson,
Gray,
Sulivane,
Govane,
J. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Sudler,
Henry,
Handy,
Harris,
Chapline,
E. Dorsey,
Cresap.
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For the Negative,

Plater,
Key,
Hynson,
Rasin,
Tilden,
B. Mackall,
E. Gantt,
Hanson,
Wilson,
Dulany,
Woodward,
Bracco.
[12]

On Resolution of the aforegoing Question, the said Address was Indorsed, Read, Approved, and Ordered to be Ingrossed.

Mr. Dorsey brings in and delivers to Mr. Speaker, the Address, Ingrossed; which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

p. 25 Ordered, That Mr. Carroll and Mr. Lee do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would be ready to receive the Address immediately in the Conference Chamber.

Ordered, That Mr. Goldsborough, with Three more, do present the Address to the Governor.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 7

Friday, 7th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

The Order of the Day being Read; the House proceeded to take into Consideration the Petition of Richard Gresham and Others, complaining of an undue Election in Kent County; and on Hearing

L. H. J. Liber No. 49 Oct. 7

the said Petition, the Question was put, Whether the Petitioners shall be allowed to give in Evidence to this House any Irregularities that are not particularly mentioned in the Petition, or Not Resolved in the Affirmative.

For the Affirmative,

Plater,
Key,
Sothoron,
Hammond,
Gassaway,
Carroll,
Worthington,
B. Mackall,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Dent,
Stoddert,
Waggaman,
Wilson,
Goldsborough,
Edmondson,
Gray,
Sulivane,
Hyland,
Dulany,
Woodward,
Fraser,
T. Gantt,
King,
Sudler,
Handy.

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For the Negative,

M. Tilghman,
Govane,
J. Dorsey,
Cockey Deye,
Owings,
Earle,
Baker,
Ward,
Murdock,
Lloyd,
E. Tilghman,
Bracco,
Henry,
Harris,
Chapline,
E. Dorsey,
Cresap.

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His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

By Two Letters which I lately received from one of his Majesty's principal Secretaries of State and Rear Admiral Holburne, we are called on to furnish a Number of Seamen for the Fleet that his Majesty has been graciously pleased to order to America for our Protection. Inclosed are Copies of the Letters for your Perusal. I shall be glad to have your Advice before I answer them; and hope you will not refuse to comply with the Admiral's Request. p. 26

7th of October, 1757. Hor.° Sharpe.

Copy Newark in Hallifax Harbour 10th July 1757

Sir.

I herewith enclose a Letter from One of His Majesty's Principal Secretaries of State for your Honour. I begg Leave to acquaint your Honour that I am come here with a Squadron of His Majesty's Ships to protect the Colonies, and Trade of His Majesty's Subjects, and I shall be glad you will acquaint me whenever I can be of Service and that you will likewise communicate to me any Intelligence you may get of the Enemy's motions from time to time. It

L. H. J. Liber No. 49 Oct. 7 being of the greatest consequence that the Squadron under my command in these Seas should be kept in a proper condition in Regard to being manned so as always to enable them to Meet the Enemy (who are very strong at present here) I must pray your Assistance in procuring men for the Ships which are very deficient occasioned by sickness, and if not Compleated may be of the greatest Prejudice to the whole Nation. I shall not doubt of your Assistance in this as I have his Majesty's Directions for applying to you, and if men can be supplied for the Fleet without impressing, you may be assured the Vessels of your Government shall pass unmolested, only in case any Vessel is found carrying off Seamen belonging to the Men of War or Transports Clandestinely (as I my self know they have frequently done) the consequences will be greatly to their prejudice and they must Submit to what will follow. I must pray your enforcing this in the strongest manner and am

Sir Your most Obedient Hum.ble Serv.t

The Deputy Governor
of His Majesty's Province
of Maryland ....

Fra: Holburne

Copy Whitehall 19.th February 1757

p. 27 Sir

Having in my Letter of the 4.th Instant informed you that it was the King's intention to send a strong Squadron of Ships of War to North America, I am now to acquaint you that his Majesty has been pleased to appoint Rear Admiral Holburne to command the said Squadron and it is the King's pleasure that in case any Naval Assistance shall be wanted for the Protection of your Government you should apply for the same to the said Rear Admiral or to the Commander in Chief for the time being of his Majesty's Ships in those Seas who will send you such Assistance as he may be able to do consistently with the Service with which he is charged by His Majesty's Instructions and you will regularly communicate to the said Commander all such Intelligence as shall come to your knowledge concerning the Arrival of any Ships of War or Vessels having Warlike Stores on Board and likewise all such Advices as may concern their Motions and Destination or may in any manner relate to that part of his Majesty's Service with which the Commander of the King's Ships should be acquainted, and for the better execution of the Orders sent you in this Letter you will be diligent in employing proper Persons and Vessels not only to procure you the earliest intelligence but likewise to be dispatched from time to time to the said Commander of his Majesty's Ships with such Accounts as you shall have occasion to communicate to him. It is also his Majesty's further pleasure that you should use all legal methods whenever the Commander in Chief of his Majesty's

Ships shall apply to you to raise such a number of Seamen from time to time as shall be wanted to Recruit the Ships in North America. L. H. J. Liber No. 49 Oct. 7

I am Sir

Your most Obedient Humble Serv.^{t}

Governor of Maryland W. Pitt

Which was read and ordered to lie on the table.

The Petition of Richard Gresham and Others, was referred for further Consideration in the Afternoon.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c. p. 28

Mr. Benjamin Mackall, Mr. Owings, Mr. Fraser, and Mr. Reynolds, have Leave of the House to go home till Monday.

The House proceeded to take into Consideration the Petition of Richard Gresham and Others; and on fully hearing Mr. Richard Gresham at the Bar of this House, on Behalf of himself and the other Petitioners, and on mature Consideration of the Allegations and Facts contained in the said Petition, and also those complained of at the Bar by the Petitioners, and of the Merits of the said Election, Unanimously Dismissed the said Petition.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.^{t}

Gentlemen of the Lower House of Assembly,

In a Letter that I writ to Sir John St. Clair, about Six Weeks ago, I told him, that the Inhabitants of this Province would be put to great Inconveniencies if the Earl of Loudoun should require them to furnish so many as Two Thousand Men with Winter Quarters: I said our Towns were very small, as well as few in Number, and intimated to him, that in Proportion to the Number of Soldiers that should be ordered hither, they must expect to be better or worse accommodated. You will, I doubt not, believe, that I consulted the Inclinations and Ease of your Constituents when I made this Representation; and I hope it will determine his Lordship to order only one Regiment to this Province. I am glad you are of Opinion, that Ten Companies can be well accommodated here; I was much afraid they could not; but indeed, tho' there is so great a Scarcity of Inns in most of our Towns, there are Houses enough that will, upon Occasion, make very good Barracks.

7th of October, 1757. Hor.^{o} Sharpe.

Which was Read, and Ordered to lie on the Table.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.^{t}

L. H. J. Liber No. 49 Oct. 7 p. 29 Gentlemen of the Lower House of Assembly,

I think proper to inform you, that, upon the Application of Captain Chapline, a Member of your House, and a great Number of our Frontier Inhabitants, I did, the 3d of August last, order Captain Delashmutt and Captain Moses Chapline to march Part of their respective Companies, and to patrole on the Frontiers for their Protection. The Time for which they were ordered out, is now expired; but they tell me, that if other Parties are not sent to relieve them, the Settlement of Conococheague will, in all Probability, be immediately broke up, the People being thrown into the greatest Consternation by an Account that they have received from the Mouth of Opeekon River in Virginia, near which Place it is said that Seventeen Persons were killed and captivated by a large Party of Indians the 30th of last Month, while the Garrison of Fort Frederick is too weak and sickly to send out so many and such large Parties as the Inhabitants think necessary for their Security. I do not choose, at this Time, to order out any more of the Militia without your Advice; but, if you think it necessary, I will issue Orders for that Purpose.

7th of October, 1757. Hor.° Sharpe.

Which was Read, and Ordered to lie on the Table.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 8 Saturday, 8th October, 1757.

The House met according to Adjournment: All the Members appeared as Yesterday, except Mr. Fraser, Mr. Benjamin Mackall, and Mr. Rasin. The proceedings were Read.

On Motion, That an Address be prepared to his Excellency, to return him the Thanks of this House, for favourably Representing to the Earl of Loudoun the great Inconveniencies that would result to (and the Inability of) this Province, to accommodate more than Ten Companies; Ordered, That Col. Tilghman, Mr. Carroll, Mr. Murdock, Mr. Matthew Tilghman, Mr. Edward Dorsey, and Mr. Dulany, do prepare and bring in such Address.

Mr. Murdock brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland: L. H. J. Liber No. 49 Oct. 8 p. 30

The humble Address of the House of Delegates.

May it please your Excellency,

It is with the greatest Satisfaction we observe, from your Excellency's Message of the Seventh Instant, your early Endeavours to lessen the Number of Soldiers proposed to be sent hither for Winter Quarters; and as we are persuaded your Excellency has considered the Circumstances, and consulted the Ease, of our Constituents, we beg you would accept our sincere Acknowledgment for this Mark of your Attention and Regard to their Welfare.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Lloyd and Col. Henry do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, They delivered the Message, and that the Governor was pleased to signify he would be ready to receive the Address immediately in the Conference Chamber.

Ordered, That Mr. Goldsborough, with Seven more, do present the Address to his Excellency.

It appearing by Evidence at the Bar of this House, that Hercules Couts, Sheriff of Kent County, at the late Election of Representatives to serve in this General Assembly for the said County, was absent and intoxicated with Liquor the greatest Part of the Time, from the Opening to the Closing of the Polls;

Resolved, That the said Hercules Couts be taken into Custody by the Serjeant at Arms.

Resolved, That the said Hercules Couts be Reprimanded by the Speaker, at the Bar of this House.

The said Hercules Couts being brought to the Bar, and having confess'd the said Offence, was Reprimanded by the Speaker in the following Words:

Mr. Couts,

You having at the Bar of this House confessed, that you, as Sheriff p. 31 of Kent County, have been Guilty of a manifest Neglect of your Duty, in being absent and intoxicated with Liquor the greatest Part of the Time between the Opening and Closing of the Polls, at the late Election of Representatives to serve in this General Assembly for said County, it is the unanimous Opinion of this House, that you be Reprimanded by me at the Bar of the House, and that you ought to receive very severe Treatment, in order to deter other Sheriffs from being Guilty of Breaches of their Duty in Affairs of so great Importance and Concern to the Community; but yet,

L. H. J. Liber No. 49 Oct. 8 in Consideration of your low Circumstances, and in Compassion to your numerous Family, this House is inclined to exercise Justice with the greatest Lenity, and in a Manner which will least affect your unhappy Relatives; and I do Reprimand you accordingly; in Hopes the mild Treatment you have received, will raise in you a proper Sense of the Gratitude you owe to this House, and have a happy Influence on your future Conduct. You are discharged from any further Attendance on this House, upon Payment of the Fees due to the Officers thereof.

Ordered, That Mr. Goldsborough, Mr. Murdock, and Col. Henry, be a Committee to Tax the Fees which have accrued due to the Officers of this House and Others, on the Petition of Richard Gresham and Others, and that they make Report thereof to the House.

Mr. Matthew Tilghman, Mr. Bracco, Mr. Lloyd, Mr. Cockey Deye, Mr. Edward Gantt, Mr. John Hammond Dorsey, Mr. James John Mackall, Mr. King, and Mr. Hammond, have Leave of the House to go home.

The House adjourns until Monday Morning at 9 of the Clock.

Oct. 10

Monday, 10th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Reynolds, Mr. Hanson, Mr. James John Mackall, Capt. Gassaway, Mr. Govane, Mr. John Hammond Dorsey, Mr. Cockey Deye, and Mr. King.

Mr. Speaker acquainted the House, That Mr. Hanson informed him on Saturday, after the House rose, That he had received a Letter, intimating the bad State of Health of his Wife and Family, and desired his Excuse might be made to the House for his Departure; which Excuse was admitted by the House; and Ordered,
p. 32 That his Leave of Absence be Entered on the Journal.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Fraser appeared in the House.

Mr. Matthew Tilghman, Mr. Woodward, Mr. Plater, Mr. Wilson, and Mr. Earle, have Leave of the House to be absent To-morrow.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 11

Tuesday, 11th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Matthew Tilghman, Mr. Plater, Mr. Earle, Mr. Woodward, and Mr. Wilson. The Proceedings were Read.

Mr. Benjamin Mackall, Mr. Govane, Mr. John Hammond Dorsey, Mr. Cockey Deye, and Mr. King, appeared in the House. L. H. J. Liber No. 49 Oct. 11

On Reading and Considering his Excellency's Message of the 7th Instant, relative to sending out some Militia to patrole on the Frontiers for Protection of the Inhabitants, Resolved Unanimously, That there is no Necessity at present for sending out the Miltia, as there are Forces now in the Pay of this Province more than sufficient to Guard the Frontier Inhabitants thereof.

Ordered, That an Address be prepared to his Excellency accordingly; and that Philip Hammond, Esq; Col. Tilghman, and Mr. Edward Dorsey, do prepare and bring in the same.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

The Circumstances of the Times, and the Nature and Importance of the Matters I laid before you at the Opening of this Session, gave me Hopes, that a new Representative of the good People of this Province would have readily gone into a Consideration of such Points, as should most effectually conduce both to the Security of p. 33 that People against the Incursions and Ravages of a foreign and cruel Enemy, and prevent the Inconveniencies which they must otherwise inevitably be subject to, during the Course of the approaching Season.

Of such Nature were the Two Particulars I recommended to you at the Opening of this Session, of continuing the Support for the Troops already raised for the Defence of this Province, and of making a Provision for the Reception of such of his Majesty's Regular Forces as should be ordered hither for Winter Quarters; and indeed I was much pleased to find in your Address, as well a Promise that those Matters should have the first Place in your Deliberations, as your Reliance on mine, that " if you should think fit, after they were dispatched, to proceed to other Business, any Bills that you should offer, whereby the Province might be Benefited, or the Security and Welfare of the People Promoted, should meet my ready Assent; " because from hence I could not but conclude, that where so much Harmony subsisted between the Government and the Representatives of the People, where the Chief Magistrate cannot, upon Recollection, charge himself with any one Attempt to oppress or injure any Individual amongst his Majesty's Subjects of this Province, much less at an Infringement of, or Violation to, any of the just Rights and Privileges of either of the other Branches of the Legislature, and where consequently he could have no just Reason to expect any such Attempt being made upon him; I say,

L. H. J. Liber No. 49 Oct. 11 I could not but conclude, that such Harmony and Union of Councils, must necessarily tend to promote the great End and Design of all Government, the Welfare, Safety, and Happiness, of the People Governed.

But from what Kind of Fatality it has happened, that these Objects, the Security and Quiet of the People, so full in View, and by your Promise, so strictly and speedily to be pursued, should be so suddenly laid aside and disregarded, in order to make an Attempt upon the Rights and Privileges incident to the Station I have the Honour to hold amongst you, I know not; but the very Day after your Address was presented, your Sarjeant came into my House to take my Secretary into Custody, as he said, by the Order of your House.

Upon this Step, so unprecedented in itself, and so dangerous in it's p. 34 Nature and Consequences, I immediately sent you a Message, not so much by Way of Charge against your House, as by Way, of Complaint of such Usage, and that purposely so worded, that had this Conduct proceeded either from Inadvertence in yourselves, or Inacquaintance of your Serjeant with the Duties of his Office, an Apology might easily have been made, a speedy End put to this Affair, and the whole Legislature left at Leisure to proceed on the important Business, for the Dispatch of which they were called together.

But you, notwithstanding your first Address, and the Pleasure which must have arisen in the Breast of every Man who wishes well to the Public, upon observing the Harmony which thence appeared to subsist between us, having taken a Step, in itself unwarrantable, are so far from apologizing for it, tho' a fair Opportunity is afforded, that you persist in, and endeavour to justify it, by your Address of the 3d Instant, in Answer to my Message informing you of this Matter.

For tho' you do, in that Address, take the Opportunity afforded you by my Message of apologizing for yourselves, so far as to say, that if the Serjeant behaved in a Manner inconsistent with the "Decorum that ought to be observed in your Excellency's House while you are at Dinner, it was not by any Direction of this House"; after which you proceed to hope, "if he has been Guilty of the least Intrusion or Indecency, your Excellency will impute it to his being but just appointed to his Office;" which, so far as it concerns him, to shew my Willingness to oblige you, I very readily do; yet in that Address, you not only confine the Indecency offered to me to the Time of my being at Dinner, by repeating that Circumstance casually thrown into my Message, as if you were disposed to have it believed, that your Serjeant may at any Time, except at that Season, enter my House, and take any Person thence you shall be pleased to order him, but you likewise in that Message say, that "Mr. John

Ridout having been Guilty of a Contempt of the Authority, and a Breach of the Rights and Privileges of this House, at the Bar thereof, we did issue a Warrant to our Serjeant to take him into Custody"; Thus you state the Fact; and proceed to justify it, by saying, "This we conceive to be a Right which we ought to exercise without any previous Application to your Excellency. L. H. J. Liber No. 49 Oct. 11 p. 35

I will not suppose you intended to draw any Inference or Argument from your describing the Person, against whom your Serjeant was sent, by the Name of Mr. John Ridout, in your Address, when I had in my Message called him my Secretary, as if your Serjeant might have taken Mr. Ridout into Custody without depriving me of the Service of my Secretary; because, tho' you had not at the Time you issued your Warrant, known that Mr. Ridout was my Secretary, yet, when I had by my Message informing you of this Matter, called him by that Title, you could no longer remain ignorant that I was speaking of the same Person against whom you had sent your Serjeant; tho' at this Time, that no Interruption might be given to the Public Business, ever carried on, even in the most quiet Time, at a very great Expence to the People, I might readily have admitted such Doubt as an Excuse.

But altho' it must be understood that you did know Mr. Ridout was my Secretary, you nevertheless insist that you have a Right to send your Serjeant to take him into Custody, whenever you shall be pleased to think him "Guilty of a Contempt of the Authority, or a Breach of the Rights and Privileges of your House, without any previous Application to me."

I do not propose to enter into any Debate with you upon this Point, because, as I have hitherto avoided making any Incroachments on the just and constitutional Rights and Privileges of your House, as one of the Branches of the Legislature, so am I determined not to suffer mine, while I consider myself as the Chief Branch of that Body, to be brought into Dispute, lest you should construe such a Condescension in me into a vesting you with a Right to dispute them whenever you shall think fit.

However, I would just observe to you, by Way of Information, with Regard to your Rights, that as you are one of the Branches of the Legislature, you, as well as the other Branches, have certain Rights and Privileges constitutionally annexed to you while together, which the other Branches may not interfere with, and you, as well as they, have likewise certain Servants to attend you in the Discharge of your Duty, tho' if the Matter was to be disputed, your Right to cloath that Servant, which you are pleased to call a Serjeant, with such great Authority, would not, I am apt to think, be easily made appear. p. 36

The Gentlemen of the Upper House have likewise their Rights and Privileges; and I hope you'll be pleased to remember, that I, as

L. H. J. Liber No. 49 Oct. 11 the Head and Chief Branch, have also mine, and particularly some, which neither of the other, singly nor both together, have any Power to exercise.

As these several Branches are constitutionally independent of each other, except in certain Cases, where I, as the Chief, have a Right to give the Law to the Rest, so likewise are the Servants of each free from the Authority of either of the others; and therefore, wherever, in any Case, Offence shall be given by the Servant of one to any other Branch of the Legislature, the Parties offended must be content either to overlook such Offence, or to apply to that Branch whose Servant such Offender is, to obtain Satisfaction; and this is the Method I pursued with Regard to your Serjeant; for, instead of sending the Sheriff, or any other Officer, to take him into Custody for the Insult offered me, I made my Application to you: And why I am not to be treated with the same Decency that you are, and have not as good a Right to protect my Servants, and prevent their suffering by the Authority of others, cannot easily be conceived.

Upon these Principles, then, give me Leave to proceed a little further. You tell me that Mr. John Ridout, whom I call, and who you know is, my Secretary, "was Guilty of a Contempt of the Authority, and of a Breach of the Rights and Privileges of this House, at the Bar thereof;" you say the Contempt he committed was at the Bar of your House, but you do not say how he came there; I am sure he came not there by my Consent, pursuant to any Application from you to me for his Attendance: And if you have called him, whom, at that Time, you knew to be my Secretary, and subject only to my Authority, before you, without pursuing the regular and parliamentary Method, for that Purpose, as in this Instance, you have committed the first Irregularity, both with Regard to him and me: So you had not only no Authority over him when present, let him have behaved as he would; (and yet, from what I can learn of this Affair, I cannot disapprove of his Behaviour) but p.37 this is giving me a new, and the first Cause of Complaint of an Attempt by you to exercise an unconstitutional Authority, in sending for a Person to appear at your Bar, with whom you have nothing to do, and who is constitutionally under my Protection, and consequently of a Contempt of my Power, and of a Breach of the Rights and Privileges incident to my Station. And I must here take the Liberty to tell you, Gentlemen, that these Powers, Rights and Privileges, I am determined, whenever I shall leave this Government, to deliver up to my Successor, as full and entire, in all their several Branches, as they came to my Hands.

I would not, from what has passed, be understood as if I were endeavouring to conceal any Thing from your Knowledge, which it may be proper you should know; and as the Lower House of Assembly have always found me ready to give them, in their public Consul-

L. H. J.
Liber No. 49
Oct. 11

tations, all the Assistance in my Power, you can have no Reason to doubt my pursuing the same Conduct for the future, whenever a proper Application shall be made to me for that Purpose; and had you, instead of sending for my Secretary to your Bar, addressed me upon the Occasion, I should, were the Subject proper for the Knowledge of the Public, have given you Satisfaction on the Point of your Enquiry; and by this Means these Irregularities, and my Cause of Complaint, and other Consequences resulting from them, might have been avoided.

Gentlemen,

Having now given you a general View of the Rights of the several Branches of the Legislature, with Regard to each other, and my Sense of your late Treatment of me in the Person of my Secretary, I shall conclude with intreating you to give the Matters I recommended to your Consideration, an immediate Place in your Deliberations; and as you must, by making suitable Provision for those Services, necessarily lay a heavy Load on the People, I think it behoves us the more to lighten their Burthens in other Respects: To this, Gentlemen, you may greatly contribute, by diligently attending the public Business, and carefully avoiding all such Steps, as can only tend to protract the Session.

11th October, 1757. Hor.° Sharpe.

The House adjourns until the Morrow Morning at 9 of the Clock. p. 38

Wednesday, 12th October, 1757.

Oct. 12

The House met according to Adjournment: The members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Plater and Mr. Wilson appeared in the House.

On Motion, Ordered, That Mr. Hammond, Mr. Murdock, and Mr. Dorsey, be a Committee to inspect the Records in the Provincial Office, and Report to the House, Whether any Commission, appointing Mr. John Ridout Secretary to his Excellency the Governor, be on Record there; and whatever it there appears that he has taken the Oaths to the Government, to Qualify him on such Commission; and that they likewise inspect the said Records, and Report, whether it appears on Record in the said Office, that a Commission hath been granted by any former Governor of this Province, appointing any Person as his Secretary.

Mr. Hammond brings in and delivers to Mr. Speaker, the following Report, viz.[t]

By the Committee appointed by the Honourable Lower House of Assembly to inspect the Records in the Provincial Office, and

L. H. J. Liber No. 49 Oct. 12 Report to the House, whether there is any Commission appointing Mr. John Ridout Secretary to his Excellency the Governor on Record there; and whether it there appears that he has taken the Oaths to the Government, to Qualify him on such Commission; and likewise to inspect the said Records, and Report, whether it appears on Record in the said Office, that a Commission hath been granted by any former Governor of this Province, appointing any Person as his Secretary.

Your Committee have carefully examined the Records of the Provincial Office of this Province, and do not find any Commission on the said Records to John Ridout, to execute the Office of Secretary to Horatio Sharpe, Esq; Governor of Maryland, or any other Office in this Province; or that the said John Ridout ever took any Oath of Office, or took the Oaths to the Government, in order to Qualify him to execute any Office within this Province.

p. 39 Your Committee have also carefully examined the said Records of the said Provincial Court, from the present Time as far back as the Year of the happy Revolution, and do not find any Commission granted to any Person, to execute the Office of Secretary to any Governor of this Province.

All which is humbly submitted to the Consideration of your Honourable House.

Signed ꝑ Order, Thomas Johnson, junior, Clerk said Committee.
Oct.r 12,th 1757

Which was Read, and Ordered to lie on the Table.

The Order of the Day being Read; the House proceeded to an Hearing of the Petition and Representation of the Freeholders of St. Mary's County; and after full Examination of Witnesses at the Bar, Referred the Consideration thereof, until the Afternoon.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The House proceeded further on an Hearing of the Petition and Representation of the Freeholders of St. Mary's County; and on Consideration of the Allegations and Facts contained therein, the Question was put, Whether Mr. Edmund Key, a Member returned for St. Mary's County, be duly Elected a Delegate for the said County, or Not? Resolved in the Negative.

For the Affirmative,

Hynson,
Waggaman,
Wilson,
Gray,
Sulivane,
Govane,
J. H. Dorsey,
Cockey Deye,
Dulany,
Bracco.

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L. H. J.
Liber No. 49
Oct. 12

For the Negative,

Williamson,
Tilden,
Hammond,
Carroll,
Worthington,
B. Mackall,
E. Gantt,
Lee,
Dent,
Stoddert,
Goldsborough,
Edmondson,
Owings,
Baker,
Ward
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Sudler,
Handy,
Harris,
Chapline,
E. Dorsey,
Beatty,
Cresap.

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p. 40 Ordered, That Mr. Speaker do acquaint Mr. Key, That he is Dismissed from any further Attendance in the House; which Mr. Speaker accordingly did.

The House adjourns until the Morrow Morning at 9 of the Clock.

Thursday, 13th October, 1757. Oct. 13

The House met according to Adjournment: The Members were called and all appeared as Yesterday. The Proceedings were Read.

Capt. Gassaway, Mr. Earle, Mr. James John Mackall, and Mr. Woodward, appeared in the House.

Mr. Ward hath Leave to go home on Saturday.

Mr. Sothoron hath Leave to go home.

The House proceeded further on Consideration of the Petition and Representation of the Freeholders of St. Mary's County; and the Question was put, Whether Mr. George Plater, a Member returned for St. Mary's County, be duly Elected, or Not Resolved in the Affirmative.

For the Affirmative,

Williamson,
Hynson,
Carroll,
Worthington,
B. Mackall,
Lee,
Dent,
Stoddert,
Waggaman,
Wilson,
Edmondson,
Gray,
Sulivane,
Govane,
J. H. Dorsey,
Cockey Deye,
Ward,
Earle,
Dulany,
Woodward,
Murdock,
King,
Sudler.

23

For the Negative,

Tilden,
Hammond,
Gassaway,
Owings,
Baker,
Fraser,
Bracco,
Handy,
Chapline,

L. H. J. Liber No. 49 Oct. 13

J. J. Mackall, T. Gantt, E. Dorsey,
E. Gantt, Lloyd, Beatty,
Goldsborough, E. Tilghman, Cresap. 18

The House proceeded further on Consideration of the Petition and Representation of the Freeholders of St. Mary's County; and Resolved, That Mr. John Reeder, a Member returned for St. Mary's County, is duly Elected a Delegate for the said County.

The House proceeded further on Consideration of the Petition and Representation of the Freeholders of St. Mary's County; and Resolved, That Mr. Henry Greenfield Sothoron, a Member returned for St. Mary's County, is duly Elected a Delegate for the said p. 41 County.

On Motion, Ordered, That Mr. Speaker do forthwith issue his Warrant to the Deputy-Secretary of this Province, to make out a Writ of Election, directed to the Sheriff of St. Mary's County, to Elect a Delegate to serve in the General Assembly of this Province, now Sitting, in the Room of Mr. Edmund Key, who is Dismissed from a Seat in this House.

Mr. Philemon Lecompte, a Delegate returned for Dorchester County, appeared in the House.

Ordered, That Mr. Sulivane and Mr. Gray do go with that Gentleman to the Upper House, to see him Qualified. They return and acquaint Mr. Speaker, They saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The Petition of Josiah Beall, complaining of an undue Election for Frederick County, was preferred to this House.

On Reading thereof, Ordered, That an Hearing be had on the said Petition, at the Bar of this House, on Thursday the 27th Day of October Instant, at Ten of the Clock in the Morning.

And that the Sheriff of Frederick County do attend at the Bar of this House at the Time aforesaid, and bring with him the original Poll taken at the late Election of Delegates for the said County.

Ordered, That Lists of the controverted Votes shall be mutually exchanged between Mr. Josiah Beall, the Petitioner, and Col. Thomas Cresap, one of the Sitting Members, at or before Twelve of the Clock on Saturday the 15th Instant, with such Objection or Objections which they intend to insist upon, set against the Name of each Person whose Vote they intend to dispute; and that such Lists shall be respectively confined to such Voters as were objected to at the Time of their giving their respective Votes.

Ordered, That the Petitioner, and all Parties concerned, have Summonses for Witnesses in Relation to the Allegations and Facts contained in the said Petition, upon Application made to the Clerk of this House for that Purpose. L. H. J. Liber No. 49 Oct. 13

The House adjourns until the Morrow Morning at 9 of the Clock. p. 42

Friday, 14th October, 1757. Oct. 14

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Sudler and Mr. Sothoron. The Proceedings were Read.

Mr. Matthew Tilghman appeared in the House.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

On Motion, That an Address be prepared to his Excellency the Governor, in Answer to his Message of the 7th Instant, which inclosed a Copy of a Letter from one of his Majesty's principal Secretaries of State, and another from Rear Admiral Holburne; Ordered, That Col. Tilghman, Mr. Dulany, and Mr. Murdock, do prepare and bring in such Address.

Mr. Edward Oldham, a Delegate returned for Talbot County, appeared in the House.

Ordered, That Mr. Goldsborough and Mr. Edmondson do go with him to the Upper House, to see him Qualified. They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esqr; Governor and Commander
in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We are greatly concerned to find, by your Message of the 7th Instant, that while there have been a Number of Troops kept up under your Command, in the Pay of this Province, on the Frontiers thereof, more than sufficient for the immediate Defence and Security of the back Inhabitants, there should be Applications made to you by Capt. p. 43 Joseph Chapline, and a Number of those People, for Protection against their Savage Enemies; and we cannot but be of Opinion, that if even a Part of those Troops had been put upon, and punctually performed, the Duty clearly enjoined them by the Law, by which

L. H. J. Liber No. 49 Oct. 14

they were raised and supported, there would not have been any Room for those Applications, or the least Pretence for ordering out any Part of the Militia in Consequence thereof; and this Opinion we are confirmed in by the Sentiments of Capt. Joseph Chapline, now a Member of our House, and several other back Inhabitants: And therefore, as the ordering out the Militia is a Measure we cannot approve of as to what has past, so we think it would be wrong for the present.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The Question was put, Whether the Order relative to the Exchange of Lists between Josiah Beall, Petitioner, against the Validity of the Election in Frederick County, and Col Thomas Cresap, a Sitting Member, complained of in the said Petition, shall be Altered, or Not Resolved in the Affirmative.

For the Affirmative,

Plater,
Hynson,
Worthington,
B. Mackall,
Lee,
Stoddert,
Wilson,
Edmondson,
Gray,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Earle,
Baker,
Ward,
Woodward,
Fraser,
T. Gantt,
King,
Bracco.
22

For the Negative,

Williamson,
Tilden,
Hammond,
Gassaway,
Carroll,
J. J. Mackall,
E. Gantt,
Dent,
Waggaman,
Goldsborough,
M. Tilghman,
Oldham,
Sulivane,
Hyland,
Murdock,
Lloyd,
E. Tilghman,
Henry,
Handy,
Harris,
20

p. 44 On Motion, Resolved, That this House will make Provision for the Reception of a reasonable Number of his Majesty's Regular Forces in Winter Quarters, during the approaching Season.

Mr. Hammond and Mr. Carroll have Leave of Absence till Monday.

The House adjourns until the Morrow Morning at 9 of the Clock.

Saturday, 15th October, 1757.

L. H. J.
Liber No. 49
Oct. 15

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Hammond and Mr. Carroll. The Proceedings were Read.

Col. Cresap, Capt. Cockey Deye, Mr. Earle, Mr. King, Mr. J. J. Mackall, and Mr. Edward Gantt, have Leave to go home.

Ordered, That Mr. Waggaman and Mr. Plater do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would be ready to receive the Address in Half an Hour's Time in the Conference Chamber.

Ordered, That Alexander Williamson, Esq; with Three more, do present the Address to the Governor.

Mr. Dulany brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Dulany brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esquire; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We shall always chearfully give every reasonable Assistance in our Power to any Squadron of his Majesty's Ships that may be sent to protect the Colonies and Trade of his Subjects in America, but as the Number of Seamen employed within this Province is inconsiderable, and those chiefly out at this Season, it is impossible for us to advise your Excellency to any Method of complying with Rear Admiral Holburne's Request to you in his Letter of the Tenth of July last, communicated to us with your Message of the Seventh Instant, to procure Men for making up the Deficiencies in his Squadron.

p. 45

Nor do we think it could be of any Use to attempt a Compliance with that Request at this Time, because, were it in our Power, we presume these Deficiencies must have been long since supplied.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Gray and Mr. Lecompte do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would receive the Address in a Quarter of an Hour's Time in the Conference Chamber.

L. H. J. Liber No. 49 Oct. 15 Ordered, That Mr. Gassaway, with Three more, do present the Address to the Governor.

Ordered, That Mr. Goldsborough and Mr. Dorsey do Revise the Laws, and Report to the House what Acts will expire with the Close of this Session, unless continued in Force by Acts of this Session.

Mr. Levin Gale, a Delegate returned for Somerset County, appeared in the House.

Ordered, That Mr. Waggaman and Mr. Wilson do go with him to the Upper House, to see him Qualified. They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

Mr. Williamson hath Leave to go home.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Murdock hath Leave to go home.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

Finding by a Letter which I received this Morning from Captain Dagworthy, that the Garrison at Fort Cumberland is in Want of Provisions, I advised the Agents thereof, and recommended it to them to order a Supply thither as soon as possible. In Answer to the Letter that I writ to those Gentlemen on this Occasion, they tell p. 46 me, that as the Money which was appropriated by the Act of Assembly passed last Session, is entirely expended, it is not in their Power to make any farther Provision for the Troops in the Pay of this Province. The evil Consequences that must naturally follow the Troops being refused Provisions, are so obvious, that you cannot help perceiving them; and therefore I shall only desire you to take this Matter into immediate Consideration.

15th of October, 1757. Hor.° Sharpe.

Which was Read, and Ordered to lie on the Table.

The House adjourns until Monday Morning at 9 of the Clock.

Oct. 17

Monday, 17th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Oldham (who is gone home unwell), Col. Cresap, Mr. Williamson, and Mr. Hammond. The Proceedings were Read.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, a Petition of Henry Miles, of Charles County; a Petition of sundry the Inhabitants of Frederick-Town in Frederick County; a Petition of John Pitts of Talbot County; a Petition of

Joseph Wood of Frederick County; a Petition of the High-Sheriff, Justices of the Peace, and Others, Freeholders and Inhabitants of the County of Kent; the humble Petition of Susanna Risteau, Widow and Administratrix of Talbot Risteau, late of Baltimore County, deceased; and a Petition of the Vestry of Port-Tobacco Parish in Charles County; severally Indorsed, By the Upper House of Assembly, Referred to the Consideration of the Lower House of Assembly. L. H. J. Liber No. 49 Oct. 17

Which Petitions were here Read, and Ordered to lie on the Table.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Sudler and Mr. Reynolds appeared in the House.

The House adjourns until the Morrow Morning at 9 of the Clock.

Tuesday, 18th October, 1757. Oct. 18

The House met according to Adjournment, &c.

Mr. Hammond appeared in the House. p. 47

The Petition of the Vestry of Port-Tobacco Parish in Charles County, was Read and Rejected.

On Reading the Petition of Joseph Wood, of Frederick County; Ordered, That Mr. Murdock, Mr. Plater, Col. Tilgman, Mr. Bracco, Col. Henry, Mr. Gale, Mr. Dorsey, and Mr. Carroll, be a Committee to examine the Plan of the said Petitioner, mentioned in his said Petition, and Report the Quality and Condition thereof to the House.

Capt. Henry Lowes, a Delegate returned for Somerset County, appeared in the House.

Ordered, That Mr. Gale and Mr. Wilson do go with him to the Upper House, to see him Qualified. They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

On Motion, Ordered, That the Committee of Accounts do not, after Tuesday next the 25th Instant, receive any Accounts of Claims against the Public.

Ordered, That the Committee of Accounts do Close the Journal of Accounts on Saturday the 28th Instant.

On Motion, Ordered, That an Address be prepared to his Excellency, in Answer to his Message of the 15th Instant; and that Mr. Hammond, Mr. Dulany, Col. Tilghman, Mr. Edward Dorsey, and Mr. Matthew Tilghman, do prepare and bring in such Address.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Lecompte hath Leave of the House to go home.

The House adjourns until the Morrow Morning at 9 of the Clock.

L. H. J.
Liber No. 49
Oct. 19

Wednesday, 19th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Lecompte. The Proceedings were Read.

Mr. Baker and Mr. Stoddert have Leave of the House to go home.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.t

p. 48 To his Excellency Horatio Sharpe, Esquire; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We cannot help expressing our Surprize, that you should recommend it to the Agents, to order a Supply of Provisions to a Garrison at Fort Cumberland. Had they in their Hands ever so much of the Money appropriated by the Act of Assembly passed last Session, they undoubtedly would not have laid out any of it in Supplies to a Garrison, stationed contrary to the plain Destination of all the Forces raised and to be supported by that Law. And if any evil Consequences have heretofore or may hereafter follow a Want of such Supplies, let those answer for them who have, contrary to Law, been the Means of stationing Troops where they had no Authority to place them, and for Want of whose Service, on the Duty assigned them by Law, the Frontier Inhabitants of this Province have been exposed to the Incursions of their cruel and savage Enemies.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Edmondson and Mr. Beatty do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would be ready to receive the Address in a Quarter of an Hour's Time in the Conference Chamber.

Ordered, That Mr. Govane, with Five more, do present the Address to the Governor.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Williamson appeared in the House.

The House adjourns until the Morrow Morning at 9 of the Clock.

Thursday, 20th October, 1757.

L. H. J.
Liber No. 49
Oct. 20
p. 49

The House met according to Adjournment, &c.

On Consideration of Part of his Excellency's Speech, Resolved, That this House will make Provision for the continuing in the Pay of this Province 300 Men, Officers included, for Garrisoning Fort Frederick, and Ranging for the immediate Security and Protection of the Frontier Inhabitants.

Ordered, That the Committee appointed to examine the Agents Accounts, do make an Estimate of the Expence, for Cloathing, Subsisting, and Paying the 300 Men aforesaid, for Twelve Months, and make Report thereof to the House.

Mr. Lloyd brings in and delivers to Mr. Speaker, the following Report, viz.[t]

By the Committee appointed to Examine the Agents Accounts, &c.

Your Committee, in Obedience to the Directions of the House, having enquired into the Expence of Supporting 300 Men, for Garrisoning Fort Frederick, and Ranging for the Protection of the Frontier Inhabitants of this Province, for 12 Months, have agreed on the following Estimate; which is submitted to the Honourable House.

For Pay and Subsistence of three Companies, consisting of 100 Men each, Officers included, agreeable to the Regulation in April last,	£. 10014	13	9
Pay and Subsistence for a Surgeon,	123	3	9
Ditto for a Gunsmith,	59	6	3
Hospital and Medicines,	153	0	0
Cloathing, consisting of 1 Coat, 1 Pair Breeches, 1 Pair Stockings, 2 Shirts, 1 Hat, 1 Pair of Shoes,	900	0	0
Agents Commission 3 ℘ Cent. on £. 11232 3 9	336	19	4
	£. 11569	3	1

Robert Lloyd,
Matthew Tilghman,
John Henry,
Henry Waggaman,
John Bracco,
William Hynson.

Which was Read, and the House concurs therewith. p. 50

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

On Motion, Ordered, That the Committee appointed to examine the Agents Accounts, do make an Estimate of what additional Expence will be necessary to provide Quarters, &c. for 1000 Men for Four Months, and Report the same to the House.

L. H. J. Liber No. 49 Oct. 20 Mr. Gassaway hath Leave to go home.

Mr. Lloyd brings in and delivers to Mr. Speaker, the following Report, viz.[t]

By the Committee appointed to Estimate the Expence of Quartering 1000 of his Majesty's Regular Forces for 4 Months.

The following Calculation is submitted to the Honourable House.

1000 Blankets at 12/6	£. 525 0 0
4000 Yards Osnabrigs at 1/6 for 500 Beds,	300 0 0
100 Loads Straw at 5/0	25 0 0
960 lbs. Candles at 1/0	48 0 0
250 lbs. Pepper	50 0 0
3840 Gallons Vinegar at 1/0	192 0 0
120 Bushels Salt at 5/0	30 0 0
30060 Gallons Beer at 4 d.	500 0 0
1200 Cord Wood at 10/0	600 0 0
100 Pots at 10/0	50 0 0
100 Frying Pans at 5/0	25 0 0
House-Rent	400 0 0
	£. 2745 0 0

Signed ꝑ Order, B. Nicholson, Clerk.

Which Report was Read, and the House concurs therewith.

Col. Robert Jenkins Henry, from the Upper House, delivers to Mr. Speaker, the Petition of William Holmes, of Baltimore County; and the Petition of the Rector, Vestrymen, Church-Wardens, and Inhabitants, of St. George's Parish in Baltimore County; severally p. 51 Indorsed, By the Upper House of Assembly, Referred to the Consideration of the Lower House of Assembly.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 21

Friday, 21st October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Baker and Mr. Gassaway. The Proceedings were Read.

Mr. Ward and Mr. Rasin appeared in the House.

Mayor Hyland, Major Handy, Mr. Benjamin Mackall, and Mr. Govane, have Leave to go home.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

I know not how great your Surprize may be at my recommending it to the Agents to send a fresh Supply of Provisions to the Troops

L. H. J. Liber No. 49 Oct. 21

at Fort Cumberland, but I assure you mine would have been very great if they had urged any Thing but the Want of Money in Excuse for not having immediately complied with my Request. The Agents Accounts will, I suppose, shew you, that they have hitherto furnished those Troops with Provisions; and they will, I presume, if called upon, inform you, that they have been well advised the Law made it their Duty to supply them so long as any of the Money, which was appropriated by the Act passed last Session, remained unexpended.

I am sorry you should question the Earl of Loudoun's Authority to place in Fort Cumberland any of the Men that were raised here, in Consequence of his Requisition: I am satisfied that his Lordship was by his Majesty's Commission, as well as by our Act of Assembly, impowered to do so; and however it may become you, I do not think it was my Duty to declare, that they should not be employed in such a Manner as the Commander in Chief of all his Majesty's Forces in America thought most conducive to his Majesty's Service. As it is notorious that while Numbers of People have been cut off in the Two Neighbouring Provinces, we have only lost Two or Three Persons at most, exclusive of Soldiers, and their Attendants, and that p. 52 our People owe their Preservation in great Measure to the Disposition that the Earl of Loudoun was pleased to make of our Forces, I am surprized at your saying that for Want of their Service, the Frontier Inhabitants have been exposed to the Incursions of their cruel and savage Enemies: But if you complain so grievously of the Earl of Loudoun's having ordered a Part of our Troops to Garrison a Fort within the Province, What Answer might his Lordship have expected, if, when he gave Orders for some of the Troops that were raised in North-Carolina, Virginia, and Pennsylvania, to embark for South-Carolina, he had required us likewise to send a Company or Two thither?

As I persuade myself, Gentlemen, that you would not choose to distinguish yourselves by obstructing the Measures, that the General whom his Majesty has intrusted with the Command of all his Forces in America thinks it for his Majesty's Service to pursue, I hope you will not oblige the Troops that are now at Fort Cumberland, to abandon it, with all it's Artillery and Stores, to his Majesty's Enemies: And as you alone will be answerable for the Consequences, I once more recommend it to you to make immediate Provision for the Support of that Garrison, as well as for the Support of the Troops that remain at Fort Frederick, and that are, agreeable to the Directions of our Act of Assembly, kept Ranging at a small Distance beyond the Frontier Settlements.

21st of October, 1757. Hor.° Sharpe.

L. H. J.
Liber No. 49
Oct. 21

Which was Read, and Ordered to lie on the Table.

p. 53

On Motion, the Question was put, Whether a Sum of Money be raised by an equal Assessment on Real and Personal Estates within this Province, and on all Lucrative Offices and Employments, to be appropriated for a Supply for his Majesty's Service, or Not? Resolved in the Affirmative.

For the Affirmative,

Williamson,
Hyson,
Rasin,
Tilden,
Hammond,
Carroll,
Worthington,
J. J. Mackall,
Reynolds,
E. Gantt,
Lee,
Dent,
Lowes,

Wilson,
Goldsborough,
M. Tilghman,
Edmondson,
Gray,
Sulivane,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Ward,
Woodward,

Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Chapline,
E. Dorsey,
Beatty.

37

For the Negative,

Plater,
B. Mackall,
Waggaman,

Gale,
Dulany,
Henry,

Handy,
Harris.

8

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Goldsborough, Major Hynson, Mr. Fraser, Mr. Tilden, Mr. J. H. Dorsey, Mr. Edmondson, and Mr. Reynolds, have Leave to go home.

On Motion, Resolved, That a Sum of Money, not exceeding 2000l. be raised, to be laid out in Presents for the Cherokee Indians, in order to cultivate a Friendship with them.

On Motion, That a Bill be brought in for granting a Supply for his Majesty's Service, and the better Defence and Security of this Province; Leave is given.

Ordered, That Mr. Hammond, Col. Tilghman, Mr. Edward Dorsey, Mr. Matthew Tilghman, Mr. Murdock, and Mr. Carroll, do prepare and bring in a Bill accordingly.

Ordered, That Capt. Lowes and Mr. Tilden, be added to the Committee of Accounts.

L. H. J.
Liber No. 49
Oct. 21

Ordered, That Mr. J. J. Mackall, Mr. B. Mackall, Mr. Thomas Gantt, and Mr. Govane, be added to the Committee for an Enquiry into the Disbursement of the Monies raised by several Acts of Assembly, for maintaining the Forces to Guard the Western Frontier of this Province, &c.

Ordered, That Mr. Gale be added to the Committee appointed to inspect the Office and Proceedings of the Commissioners of the Paper Currency Office, &c. p. 54

On Motion, the Question was put, Whether the Allowance for Servants, inlisted for his Majesty's Service, shall be made in the Journal of Accounts, according to the Justices Certificates, or Not Resolved in the Affirmative.

For the Affirmative,

Hynson,
Rasin,
Hammond,
Carroll,
Worthington,
J. J. Mackall,
Dent,
Lowes,
Gale,
M. Tilghman,
Gray,
Sulivane,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Ward,
Dulany,
Murdock,
T. Gantt,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Henry,
Chapline,
E. Dorsey,
Beatty.
29

For the Negative,

Plater,
Williamson,
Tilden,
B. Mackall,
Reynolds,
E. Gantt,
Lee,
Waggaman,
Wilson,
Goldsborough,
Edmondson,
Fraser,
King,
Harris.
14

The House adjourns until the Morrow Morning at 9 of the Clock.

Saturday, 22d October, 1757. Oct. 22

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Major Hynson, Mr. Tilden, Mr. B. Mackall, M. Reynolds, Mr. John Goldsborough, Mr. Edmondson, Mr. Govane, Mr. Fraser, and Major Handy. The Proceedings were Read.

Mr. Owings, Mr. Sudler, Mr. Cockey Deye, Mr. King, Mr. J. J. Mackall, Mr. E. Gantt, have Leave to go home.

The House adjourns until Monday Morning at 9 of the Clock.

L. H. J. Liber No. 49 Oct. 24

Monday, 24th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Major Hynson, Mr. Tilden, Mr. Hammond, Mr. Benjamin Mackall, Mr. Goldsborough, Mr. Edmondson, Mr. Govane, Mr. J. H. Dorsey, Mr. Owings, and Mr. King. The Proceedings of Saturday were Read.

p. 55 Mr. Fraser appeared in the House.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Soddert appeared in the House.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 25

Tuesday, 25th October, 1757.

The House met according to Adjournment: The Members were called, and all present as Yesterday. The Proceedings were Read.

Mr. Benjamin Mackall, Mr. Hammond, Major Hynson, and Mr. King, appeared in the House.

Mr. Sulivane hath Leave to go home.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Owings appeared in the House.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 26

Wednesday, 26th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Sulivane and Mr. Matthew Tilghman. The Proceedings were Read.

Col. Cresap appeared in the House.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 27

Thursday, 27th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

The Order of the Day being Read; the House proceeded to an Hearing of the Petition of Josiah Beall, complaining of an undue Election for Frederick County; and after Examination of several Witnesses at the Bar, Referred the same for Consideration in the Afternoon.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t] L. H. J. Liber No. 49 Oct. 27 p. 56

Gentlemen of the Lower House of Assembly,

Captain Joseph Chapline and his Brother, having delivered to me Two Accounts against the Public, for several Articles with which they supplied some Detachments of Militia that have at Times this Summer served on the Frontiers, under the Command of themselves and Capt. Elias Delashmutt, I now lay them before you for Payment, together with the Journals that the Gentlemen kept while they continued on Duty, in Obedience to my Orders; and I recommend it to you likewise, to make them and their respective Detachments such an Allowance for their Services as the Law directs

27th October, 1757. Hor.° Sharpe.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. J. H. Dorsey appeared in the House.

The Order of the Day being Read; the House proceeded further on an Hearing of the Petition of Josiah Beall; and after full Examination of the Witnesses, and on Consideration of the Allegations and Facts contained in the said Petition, the Question was put, Whether the whole Election for Frederick County be set aside, or Not? Resolved in the Negative.

On Motion, Leave given, to bring in a Bill To continue the Process in Baltimore County November Court, to March Court 1758.

Ordered, That Mr. Williamson, Col. Henry, and Mr. Gale, do prepare and bring in a Bill accordingly.

Mr. Lee hath Leave to go home.

The House adjourns until the Morrow Morning at 9 of the Clock.

Friday, 28th October, 1757. Oct. 28

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read. p. 57

Mr. Govane appeared in the House.

Mr. Dent hath Leave to go home.

The Order of the Day being Read; the House proceeded further on the Petition of Josiah Beall, and Referred the same for Consideration Afternoon.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment: All the Members appeared as in the Morning, except Mr. Lee and Mr. Dent.

Mr. Plater and Mr. Harris have Leave to go home.

L. H. J. Liber No. 49 Oct. 28 Col. Henry brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Adjournment and Continuance of Baltimore County Court; which was Read the first Time, and Ordered to lie on the Table.

The Bill, entituled, An Act for the Adjournment and Continuance of Baltimore County Court, was Read the second Time by especial Order, and committed for Amendments.

The Order of the Day being Read; the House proceeded further on the Petition of Josiah Beall, and Referred the same for Consideration on the Morrow Morning.

The House adjourns until the Morrow Morning at 9 of the Clock.

Oct. 29

Saturday, 29th October, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Plater. The Proceedings were Read.

Mr. J. J. Mackall and Mr. Williamson have Leave to go home.

The Order of the Day being Read; the House proceeded further on the Petition of Josiah Beall, and Referred the same for Consideration on the Tenth Day of the Session of next Assembly.

Ordered, That all Parties concerned have Summonses for Witnesses, relative to the said Petition, upon Application to the Clerk of this House, for that Purpose, this Session.

Ordered, That the Clerk of this House do make out a Warrant, directed to the Serjeant at Arms, attending this House, to take into
p. 58 his Custody the Body of Thomas Sligh and the Body of Conrad Crosh, both of Frederick County, so that he have them at the Bar of this House without Delay, to answer for their Contempt in not obeying the Summonses of this House, to attend at the Bar of this House on the 27th Instant.

The Bill, entituled, An Act for Continuance of Causes, Pleas, and sundry other Proceedings, in Baltimore County Court, was Read the second Time, with the Amendments for which it had been committed; and the Question was put, Whether the said Bill shall pass, or Not? Resolved in the Negative.

For the Affirmative,

Hynson,
Rasin,
Carroll,
Waggaman,
Lowes,
Gale,
Gray,
Dulany,
Woodward,
Murdock,
Lloyd,
E. Tilghman,
Sudler,
Henry,
Beatty,
Cresap.

16

L. H. J.
Liber No. 49
Oct. 29

For the Negative,

Hammond,
Worthington,
B. Mackall,
E. Gantt,
Stoddert,
Wilson,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Ward,
Fraser,
T. Gantt,
King,
Bracco,
Harris.
17

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

Inclosed are some Provision-Rolls that Captain Delashmutt and Captain Moses Chapline put into my Hands, and desired me to lay before you.

29th October, 1757. Hor.° Sharpe.

Which was Read, and Ordered to lie on the Table.

Mr. Dorsey, Mr. Rasin, and Mr. Sudler, have Leave to be absent.

The House adjourns til 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The House adjourns until Monday Morning at 9 of the Clock.

Monday, 31st October, 1757. Oct. 31

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Sudler, Mr. Edward Dorsey, Mr. Rasin, Mr. Williamson, and Mr. Harris. The Proceedings of Saturday were Read.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The House adjourns til the Morrow Morning at 9 of the Clock. p. 59

Tuesday, 1st November, 1757. Nov. 1

The House met according to Adjournment: The Members were called, and all present as Yesterday. The Proceedings were Read.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The House adjourns til the Morrow Morning at 9 of the Clock.

Wednesday, 2d November, 1757. Nov. 2

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

L. H. J.
Liber No. 49
Nov. 2

Mr. Williamson, Mr. Tilden, and Mr. Sudler, appeared in the House.

On Motion, the Question was put, Whether any Member of this House, that on Saturday obtains Leave to be absent, and doth not appear at the Call of the House on Monday Morning, shall have an Allowance as usual for the Sunday intervening, or Not? Resolved in the Affirmative.

For the Affirmative,

Williamson,
Hynson,
Tilden,
Hammond,
J. J. Mackall,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Dulany,
Woodward,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Chapline,
Beatty,
Cresap.

19

For the Negative,

Worthington,
Waggaman,
Lowes,
Gale,
Wilson,
Gray,
Hyland,
Ward,
Fraser,
T. Gantt,
Henry,
Stoddert.

12

The House adjourns until 2 of the Clock Afternoon.

Post Meridiem. The House met according to Adjournment, &c.

Mr. Gray, Mr. Lloyd, Col. Henry, and Mr. Bracco, have Leave to go Home.

Mr. Sulivane, Mr. Edmondson, and Mr. Earle, appeared in the House.

The House adjourns til the Morrow Morning at 9 of the Clock.

Nov. 3

Thursday, 3^{r} November, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Col. Henry, Mr. Lloyd, and Mr. Bracco. The Proceedings were Read.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Goldsborough appeared in the House.

The Petition of the Rector, Vestrymen, Church-Wardens, and Inhabitants, of St. George's Parish in Baltimore County, praying Leave to have an Assessment made for 550l. Currency, for furnishing and compleating the Parish Church, was Read, and Leave given to bring in a Bill according to Prayer. L. H. J. Liber No. 49 Nov. 3

Ordered, That Mr. Govane, Mr. Williamson, and Major Hynson, do prepare and bring in a Bill accordingly. p. 60

The House adjourns til the Morrow Morning at 9 of the Clock.

Friday, 4th November, 1757.

Nov. 4

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Gray and Mr. Benjamin Mackall. The Proceedings were Read.

Mr. Govane and Mr. King have Leave to go home.

Alexander Williamson, Esq; is added to the Committee appointed to enquire what Laws will expire, if not continued by an Act this Session.

On Reading the Petition of Susanna Risteau, Widow and Administratrix of Talbot Risteau, of Baltimore County; Ordered, That Mr. Govane, Mr. J. H. Dorsey, Mr. Cockey Deye, and Mr. Owings, be a Committee to enquire into the Allegations and Facts contained in the said Petition, and Report the same to the House.

The Petition of sundry the Inhabitants of Frederick-Town in Frederick County, was Read, and Leave given to bring in a Bill according to Prayer.

Ordered, That Mr. Chapline, Mr. Beatty, and Mr. Edward Dorsey, do prepare and bring in a Bill accordingly.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Col. Tilghman and Mr. Fraser have Leave to go home.

Mr. Lecompte appeared in the House.

On Motion, Leave given to bring in a Bill, To appoint a Committee to examine the Accounts and Proceedings of the Commissioners of the Paper Currency Office in the Interval of Assembly, and to make Report thereof to the next succeeding Assembly.

Ordered, That Mr. Hammond, Mr. Murdock, Mr. Dulany, and Mr. Earle, do prepare and bring in a Bill accordingly.

On Motion, Ordered, That an Address be prepared to his Excellency, to request him to direct the Bonds of the several Naval Officers to be put in Suit, who have omitted or neglected to collect and account for the Duty on Convicts imported into this Province, and p. 61 of all Persons who have neglected to pay in the Public Monies Reported to be outstanding at the last Session of Assembly; and that Mr. Hammond, Mr. Murdock, Mr. Dulany, and Mr. Earle, do prepare and bring in such Address.

L. H. J. Liber No. 49 Nov. 4 Mr. Goldsborough brings in and delivers to Mr. Speaker, the following Report, viz.[t]

November the 4th, 1757.

By the Committee appointed by the Honourable the Lower House of Assembly to enquire what Laws will expire this Session, do find the following Laws will expire at the End of this Session, if not continued, viz.[t]

An Act, entituled, An Act for the Punishment of Horse-Stealers and other Offenders, made at a Session of Assembly begun and held at the City of Annapolis the First Day of May, 1744.

An Act, entituled, An Act for destroying Wolves in Frederick County, made at a Session of Assembly begun and held at the City of Annapolis the 15th Day of May, 1751.

An Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy, made at a Session of Assembly begun and held at the City of Annapolis the 26th Day of April, 1737.

An Act, entituled, An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records and Papers from the Public Offices, made at a Session of Assembly begun and held at the City of Annapolis the 10th Day of May, 1748.

An Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province, made at a Session of Assembly begun and held at the City of Annapolis the 20th Day of March, 1734.

An Act, entituled, An Act to make the Testimony of convicted Persons legal against convicted Persons, made at a Session of Assembly begun and held at the City of Annapolis the 15th Day of May, 1751.

An Act, entituled, An Act to exempt Persons appearing at Musters from Arrests in civil Cases, made at a Session of Assembly begun and held at the City of Annnapolis the tenth Day of May, 1748.

An Act, entituled, An additional Supplementary Act to the Act, p. 62 entituled, An Act relating to Servants and Slaves, made at a Session of Assembly begun and held at the City of Annapolis the 10th Day of May, 1748

An Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes, made at a Session of Assembly begun and held at the City of Annapolis the 10th Day of May, 1748.

L. H. J. Liber No. 49 Nov. 4

An Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves, and directing the Manner of Trying Slaves, made at a Session of Assembly begun and held at the City of Annapolis the 15th Day of May, 1751.

An Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liqours, and Running of Horse-Races, near the yearly Meeting of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings, made at a Session of Assembly begun and held at the City of Annapolis the 16th Day of May, 1747.

And also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and Running of Horse-Races, near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings, made at a Session of Assembly begun and held at the City of Annapolis the 3d Day of June, 1752.

And your Committee take Leave to inform the Honourable House, that an Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer, will expire on the 20th Day of December next.

All which is humbly submitted to the Consideration of this Honourable House.

Signed ℘ Order, William Wilkins, Clerk.

On Reading the said Report, Ordered, That Mr. Goldsborough, Mr. Dorsey, and Mr. Williamson, do prepare and bring in Bills to continue in Force, from the End of this Session, the several Laws mentioned in the said Report.

Mr. Govane brings in and delivers to Mr. Speaker, a Bill, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of Saint George's Parish in that County, a Sum of Money for the Uses therein mentioned, which was Read the first Time, and Ordered to lie on the Table. p. 63

The House adjourns until the Morrow Morning at 9 of the Clock.

Saturday, 5th November, 1757. Nov. 5

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Col. Tilghman, Mr. Govane, Mr. Fraser, and Mr. King.

Mr. Lloyd and Mr. Bracco appeared in the House.

L. H. J. Liber No. 49 Nov. 5 Mr. Thomas Gantt, Mr. Cockey Deye, Mr. Owings, Mr. Sudler, Mr. Edward Gantt, and Mr. J. J. Mackall, have Leave to go home.

Mr. Goldsborough brings in and delivers to Mr. Speaker, a Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy.

A Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

A Bill, entituled, an Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County.

A Bill, entituled, An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records and Papers from the Public Offices. And,

A Bill, entituled, An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers and other Offenders.

Which Bills were severally Read the first and second Time by an especial Order, and will pass; and were sent to the Upper House by Mr. Dulany and Mr. Sulivane.

Alexander Williamson, Esquire; brings in and delivers to Mr. Speaker, a Bill, entituled, An Act continuing an Act, entituled, An Act to make the Testimony of convicted Persons legal against convicted Persons.

p. 64 A Bill, entituled, An Act continuing an Act, entituled, An Act to exempt Persons appearing at Musters from Arrests in civil Cases.

A Bill, entituled, An Act continuing an Act, entituled, An additional Supplementary Act to the Act, entituled, An Act relating to Servants and Slaves.

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves, and directing the Manner of Trying Slaves. And

A Bill, entituled, An Act continuing an additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes.

Which Bills were severally Read the first and second Time by an especial Order, and will pass; and were sent to the Upper House by Alexander Williamson, Esq; and Capt. Lowes.

The House adjourns until Monday Morning at 9 of the Clock.

Monday, 7th November, 1757.

L. H. J. Liber No. 49 Nov. 7

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Govane, Col. Tilghman, and Mr. Sudler. The Proceedings were Read.

Mr. Lee, Mr. Edward Dorsey, Mr. Rasin, Mr. Reynolds, Mr. Dent, Mr. Fraser, Mr. King, and Capt. Gassaway, appeared in the House.

On Motion, Leave given to bring in a Bill, To Repeal all the Laws heretofore made for killing Crows and Squirrels, and giving a Bounty therefore as to what relates to Somerset, Calvert, Prince-George's, and Worcester Counties.

Ordered, That Mr. Waggaman do prepare and bring in a Bill for that Purpose.

Mr. Waggaman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act Repealing all the Laws heretofore made for the killing of Crows and Squirrels, or having any Allowance for the same so far as relates to Somerset, Calvert, Prince-George's, and p. 65 Worcester Counties; which was Read the first Time, and Ordered to lie on the Table.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Goldsborough brings in and delivers to Mr. Speaker, A Bill, entituled, An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and Running of Horse-Races, near the yearly Meeting of the People called Quakers, &c. And,

A Bill, entituled, An Act continuing an Act, entituled, An Act to make it penal to forge or counterfeit the Bills of Credit of Pennsylvania, New-York, East or West-Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent, and Sussex, &c.

Which were severally Read the first Time, and Ordered to lie on the Table.

On Motion, the Bill, entituled, An Act continuing an Act, entituled, An Act to make it penal to forge or counterfeit the Bills of Credit of Pennsylvania, &c. was committed for Amendments.

The House adjourns until the Morrow Morning at 9 of the Clock.

Tuesday, 8th November, 1757.

Nov. 8

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Col. Henry, Col. Tilghman, Mr. Govane, and Mr. Sudler, appeared in the House.

The House adjourns until 2 of the Clock Afternoon.

L. H. J. Liber No. 49 Nov. 8 Post-Meridiem. The House met according to Adjournment, &c.

Mr. Matthew Tilghman and Mr. Benjamin Mackall appeared in the House.

The House adjourns til the Morrow Morning at 9 of the Clock.

Nov. 9

Wednesday, 9th November, 1757.

The House met according to adjournment. The Members were called, and all appeared as Yesterday. The Proceedings were Read. p. 66

Mr. Carroll hath Leave to be absent.

The Bill, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of St. George's Parish in that County, a Sum of Money for the Uses therein mentioned.

The Bill, entituled, An Act Repealing all the Laws heretofore made for the killing of Crows and Squirrels, or having any Allowance for the same so far as relates to Somerset, Calvert, Prince-George's, and Worcester Counties.

And the Bill, entituled, An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and Running of Horse-Races, near the yearly Meetings of the People called Quakers, &c.

Were severally Read the second Time, and will pass; and were sent to the Upper House by Mr. Govane and Mr. Stoddert.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Goldsborough brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to make it penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New York, East or West-Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent, and Suffex, or to utter or tender the same in Payment within this Province, knowing them to be such; which Bill was Read the first Time, and Ordered to lie on the Table.

The House adjourns til the Morrow Morning at 9 of the Clock.

Nov. 10

Thursday, 10th November, 1757.

p. 67 The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Carroll. The Proceedings were Read.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Oldham appeared in the House.

On Motion, Leave given to bring in a Bill, To suppress the Warehouse at Plumb-Point in Calvert County. L. H. J. Liber No. 49 Nov. 10

Ordered, That Mr. J. J. Mackall, Mr. Benjamin Mackall, Mr. Reynolds, and Mr. Edward Gantt, do prepare and bring in a Bill for that Purpose.

The House adjourns until the Morrow Morning at 9 of the Clock.

Friday, 11th November, 1757. Nov. 11

The House met according to Adjournment: The Members were called, and all present as Yesterday. The Proceedings were Read.

Mr. Sothoron appeared in the House.

Mr. Lloyd brings in and delivers to Mr. Speaker, the following Report, viz.[t]

By the Committee appointed by the Honourable the Lower House of Assembly, to examine the Books, Accounts, and Proceedings of the Agents, appointed by the several Acts of Assembly for his Majesty's Service.

p. 68 Your Committee having examined the Books and Accounts of the said Agents (wherein are Probates bearing Date the 27th September 1756, the 8th April and 30th September 1757, certifying the Truth of the several Entries preceding those Dates) do find they are not closed, so as that a full Report of their Proceedings can be made at this Time; but from the Accounts in the said Books, it appears, that the said Agents have, at sundry Times, taken out of the Office for Emitting Bills of Credit, by his Excellency the Governor's Orders, pursuant to the Directions of the Acts of Assembly for his Majesty's Service, &c. in February and September Sessions 1756, for supporting 200 Men till the Tenth Day of February 1757, and for constructing one Fort, and any Number not exceeding 4 Block-Houses, on the Western Frontiers of this Province, the Sum of £12650 whereof the Sum of £12154 13 5 appears to be expended on the said Services, in which last Sum is included a Charge of Commission

on	£10250 @ 2½ ꝑ Cent.	£256 5 0	£328 5 0
	2400 @ 3 ꝑ Cent.	72 0 0	

Which leaves a Ballance in the Agents Hands unexpended, at the Beginning of this Session, after having drawn their Commission on the whole Sum taken out of the Office, of £495 6 7 as per following State of that Account.

The Public for Building a Fort, & Supporting 200 Men, on the Western Frontier, until the 10th February, 1757.

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Dr.

To Money expended on the Fort,	£5378	17	11
To Cloathing for the Troops,	965	18	1
To Charges attending the Service on sundry Occasions,	479	0	3
To Victualling for Troops, &c.	1979	6	0
To Pay of the Troops,	2963	14	6
p. 69 To Bounty-Money for Enlisting,	149	17	6
To Waggon Hire,	157	14	5
To Hospital Account,	80	4	9
To a Ballance remaining in the Agents Hands unexpended,	495	6	7
	£12650	0	0

Cr.

By Cash taken out of the Loan-Office, at sundry Times, by Virtue of the Governor's Orders, for the Services above-mentioned,	£12650	0	0
	£12650	0	0

That the Agents aforesaid have also taken out of the same Office in Pursuance of the Act for his Majesty's Service, &c. in September 1756, the Sum of £3000 for Raising and Transporting to the Place of Rendezvous 300 Men, to recruit his Majesty's Royal American Regiment; of which Sum there remains in the Agents Hands unexpended, the Sum of £338 9 as per following Account.

The Public for Recruiting his Majesty's Royal American Regiment.

Dr.

To Bounty-Money and other Charges attending the Enlisting and Transporting 290 Men as aforesaid, including Commission on the £3000 at 3 ℔ Cent.	£2664	11	0
To Ballance in the Agents Hands unapplied,	338	9	0
	£3000	0	0

Cr.

By Cash taken out of the Loan-Office, ℔ the Governor's Orders, for the Service aforesaid,	£3000	0	0
	£3000	0	0

That in Virtue of the last mentioned Act, the Agents have re-
p. 70 ceived of the Commissioners of the Loan-Office, pursuant to his
Excellency the Governor's Orders, the Sum of £3100 for purchasing
Arms and Ammunition for the Use of the Province; of which Sum

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£2662 18 is unexpended, as will appear by the following State of that Account, viz.[t]

The Public on the Grant for purchasing Arms and Ammunition.

Dr.

To sundry Postages of Letters, Journey Expences, and Expresses, relative to the Contract with Freeman,	£19	15	1
To 30 Barrels Gunpowder, and 1500 lbs. of Shot, £190 15 10 Sterling at 70 ꝑ Cent. Exchange,	324	6	11
To Agents Commission on £3100 at 3 ꝑ Cent.	93	0	0
To Balance in the Agents Hands unexpended, viz. sundry Bills of Exchange remitted to Mr. John Buchanan of London, Merchant, amounting to £1435 4 2 Sterling at 70 ꝑ Cent. Exchange,	2445	2	1
D.° Still in Hand unremitted £100 Sterling, at 70 ꝑ Cent. Exchange,	170	0	0
Cash in the Agents Hands,	47	15	11
	£3100	0	0

Cr.

By Cash received of the Commissioners of the Loan-Office, ꝑ the Governor's Orders,	£3100	0	0
	£3100	0	0

That by Virtue of the Act last before mentioned, the Agents aforesaid have received from the Commissioners of the Loan-Office, the Sum of £2000 to purchase Wheat to be sent to New-York, as a Present to the Army under Lord Loudoun; the State of which Account is as follows, to wit, p. 71

The Public on the Grant for purchasing Wheat, to be sent as a Present to the Army commanded by Lord Loudoun.

Dr.

To 8000 Bushels of Wheat delivered at New-York at 4/6,	£1900	0	0
To the Agents Commission at 3 ꝑ Cent. on £2000. .	60	0	0
To Ballance in the Agents Hands unapplied,	40	0	0
	£2000	0	0

Cr.

By Cash received from the Commissioners of the Loan-Office ꝑ the Governor's Order,	£2000	0	0
	£2000	0	0

That for defraying the Expence attending the Raising, Paying, and Supporting, 100 Men, Officers included, to be added to the

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Garrison at Fort Frederick, under the Command of Captain Joshua Beall, from September 1756, until April the 10th 1757, and for Supporting Two old Companies, consisting of 200 Men, Officers included, from 10th February to the 10th April 1757, the Agents aforesaid have received from the Commissioners or Trustees aforesaid, the Sum of £3400 of which Sum only the Sum of £2833 12 1½ has been expended; which leaves a Ballance in the Hands of the Agents unapplied, of £566 7 10½ as ꝑ following State of that Account, to wit,

The Public on the Grant for Raising and Supporting Capt. Joshua Beall's Company, and for continuing the Two old Companies on Foot, from the 10th February to the 10th April, 1757.

Dr.

To Expences of Recruiting, Subsisting, Paying, and Cloathing, the aforesaid Troops (Agents Commission included)	£2833	12	1½
To Ballance in the Agents Hands unapplied,.....	566	7	10½
	£3400	0	0

Cr.

By Cash received of the Commissioners beforementioned, by the Governor's Orders,.........	£3400	0	0
	£3400	0	0

p. 72

Your Committee also find, that the Agents aforesaid have, by Virtue of Orders from his Excellency the Governor, taken out of the Office for Emitting Bills of Credit, the Sum of £ 329 10 Part of the Sum of £4000 granted by Acts of Assembly, to be applied in Rewards for Indian Scalps and Prisoners, so that there remains of the Sum last mentioned in the Office aforesaid, liable to be drawn out as aforesaid, the Sum of £3670 10 and in the Hands of the Agents unapplied, the Sum of £103 which, added to the aforesaid Sum in the Office, makes £3773 10 of that Money unapplied, as per following State of the Account, to wit.

The Public on the Fund for Rewards for Indian Prisoners and Scalps.

Dr.

To Cash paid as a Reward for 2 Scalps,..........	£20	0	0
To Ditto paid for 4 Ditto at £50................	200	0	0
To Agents Commission on £20 at 2½ ꝑ Cent.......	0	10	0
To Ditto on £200 at 3 ꝑ Cent,.................	6	0	0
To Cash in the Agents Hands unapplied,.........	103	0	0
To Ditto in the Office liable to the Governor's Orders, pursuant to Act of Assembly,..........	3670	0	0
	£4000	0	0

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Cr.

By Money raised by the Act for his Majesty's Service in February 1756, and appropriated by that and the Act in September following, to be laid out in Rewards for Indian Scalps and Prisoners, ...	£4000 0 0
	£4000 0 0

That the Agents aforesaid have, pursuant to the Act of Assembly, entituled, An Act for his Majesty's Service, and the more immediate Defence and security of the Frontier Inhabitants of this Province, passed in September Session 1756, paid unto sundry Persons for Provisions by them furnished to the Detachments of Militia under the Command of Capt. Tobias Stansbury of Baltimore County, and Joshua Beall of Prince-George's County, the Sum of £235 17 8 and p. 73 as there was no particular Sum of Money appropriated for that Service by the aforesaid Act, it must be charged against any Surplus Money which may remain in the Agents Hands, arising out of the Sums appropriated by that and the Act for his Majesty's Service, &c. passed in February Session 1756.

Your Committee beg Leave to acquaint the Honourable House, that the foregoing Accounts are extracted from the Books kept by the Agents, in Compliance with the Directions of the Acts of Assembly passed in February and September Sessions 1756, for his Majesty's Service, and the Defence of the Western Frontier; and the following Accounts and Observations are drawn from an Examination into the Books kept in Pursuance of an Act for his Majesty's Service, &c. made in a Session of Assembly held at Baltimore-Town in April 1757: In the Course of which Examination we find, that the Sum of £10469 17 4 (or so much of that Sum which might then have been in the Hands of the Commissioners or Trustees for Emitting Bills of Credit, &c.) granted and applied by the last mentioned Act to the Raising, Cloathing, Paying, and Subsisting 500 Men, in the Pay of this Province, for his Majesty's Service, and the more immediate Defence of the Western Frontiers thereof, the Agents aforesaid have received from the Commissioners afore namd, by Virtue of sundry Orders drawn by his Excellency the Governor for that Purpose, the Sum of £8350 which has been expended and applied, as will appear from a View of the following Accounts, to wit.

The Public on the Act for his Majesty's Service, &c. passed in the Baltimore Session.

Dr.

To Sundries as follows, viz.[t] p. 74

Pay of Pearis's, Ware's, Alexander and Joshua Beall's Companies, to the 8th September 1757, . .	£2555 15 8
Ditto of Dagworthy's Company to the 8th May, 1757, ...	149 4 11

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Victualling 4 Companies to the 8th September,....		1672 5 0
Ditto for Dagworthy's Company from 11th April to 8th July,................................		299 11 0
Cloathing 5 Companies as above,................		1431 12 1
Bounty Money paid for 173 Men,...............		859 19 0
Hospital Account, ...		76 15 3
Expresses, ...		40 3 6
Petty Charges, ...		22 15 5
Waggon Hire, ...		5 0 0
To Ballance, viz.[t]		
Bounty Money in the Hands of Recruiting Officers unaccounted for,.	£657 3 2	
Cash in the Agents Hands unapplied,	579 15 0	1236 18 2
		£8350 0 0

Cr.

By Cash at sundry Times taken out of the Office for Emitting Bills of Credit, by Orders of the Governor, ...	£8350 0 0
	£8350 0 0

p. 75 Your Committee think themselves obliged to observe to the Honourable House, that of the Bounty-Money abovementioned, the Sum of £300 was delivered to Lieutenant Duncan M'Rae for the Recruiting Service, and the Sum of £50 to Ensign Burr Harrison, £100 to Ensign Alexander Somerville, and £30 to Ensign Rezin Beall, for the same Service; for which Sums, by the Terms of the Act for his Majesty's Service, &c. made at Baltimore Session, the Agents ought to have taken Bond with proper Security, conditioned for accounting for said Sums agreeable to the Directions of said Act; but upon Enquiry, we cannot find that Ensigns Burr Harrison, Alexander Somerville, or Rezin Beall, gave any Bond for the Sums aforesaid, or that Lieutenant Duncan M'Rae gave Bond with Security as aforesaid, for any more than £200. In which Instance, we conceive, the Agents have not complied with their Duty, pursuant to the Directions of the Act aforesaid.

From the preceding Account, please to observe, that only £149 4 11 has been applied to the Payment of Captain Dagworthy's Company till the 8th of May last, and the further Sum of £299 11 towards the Subsistence of said Company till the 8th July; since which Time no other Accounts relative to the Support of that Company appear on the Agents Books; and by the Certificates endorsed on the Rolls of that Company, your Committee find, that they were mustered at Fort Cumberland; and think it their Duty to acquaint the House, that from the Appearance the Muster Rolls of the other Companies make, there is great Room to suspect, that many of the Men that composed those Companies, and are certified to be on Detachment and Party, have likewise been stationed at Fort Cumberland; and that this Matter may more clearly appear to the House, your Committee have drawn up Lists from the Muster Rolls of Capt. Alexander and Joshua Beall's, Capt. Pearis's and Ware's Companies, shewing the State and Condition each Individual Person appeared in at the Time of the several Musters made for the Months of June, July, August, and September; from which Lists (herewith delivered in) it will appear, that except in a very few Instances, the same Men that were certified to be on Detachment, Party and Ranging, at their Muster in June, have continued in the same Employment through all the subsequent Musters till the 8th September; nor does it appear to your Committee, from any Papers submitted to their Perusal by the Agents, in what Service they were employed during the Time aforesaid. Your Committee further observe, in the Course of their Examination, that the following Charges have been made and paid by the Agents, which they think not warranted by the Laws; and therefore Report it to the House, that they may judge of the Reasonableness or Expediency of them. L. H. J. Liber No. 49 Nov. 11 p. 76

In the Subsistence Account, there are Charges for the Provision found Four Women to each Company, amounting in the Whole to £204 17 3. In the Hospital Account, Wages paid to sundry Nurses to the Amount of £25 12.

In Fort Account, to sundry Women officiating as Cooks, £19 10. To John Linginfelter, Baker, £7 4 for 48 Days Baking Bread at 3 s. ꝑ Day.

That by the Hospital Account, it appears, the Sum of £167 17 6 has been allowed and paid the Commissary, being 6 d. ꝑ Day for 6715 Days of sick Men, over and above the 9 d. ꝑ Day Subsistence-Money allowed them by the Law.

That the Gun-Smith or Armourer, besides his Wages of 2s 6 ꝑ Day, has been allowed and paid his Account for mending Soldiers Arms to the Amount of £32 5 2 and for other small Services done for and about the Fort £17 7 9.

In the petty Charges and Expresses Accounts, several sums have been paid to sundry Persons, who have been employed in carrying Money from the Agents to their Managers at the Fort, and other Services, amounting to £29 18 of which Sum £18 15 arises due for an Express sent to Philadelphia with a Letter to a Gentleman, offering to contract for 1000 Stand of Arms, and one of the Agents Expences in going thither himself to compleat the Contract for said Arms. Thirty-five Shillings paid by the Agents to Mr. Michael Macnemara for a Copy of the Law, and Twenty Shillings to Mr. Edward Dorsey for drawing the Form of a Bond to be taken from the Recruiting Officers.

L. H. J. Liber No. 49 Nov. 11 p. 77 In the Fort Account, there appears a Charge of £110 paid to Capt. John Dagworthy, ꝑ Order of his Excellency, to be by said Dagworthy paid to the Soldiers for Extra-work done by them at the Fort, besides doing their Duty as Soldiers: The Vouchers for the Distribution of which Money do not appear to your Committee.

The Honourable House will please to observe from some of the Accounts stated in this Report, that the Agents have drawn out the chief Part, if not the whole Sum, appropriated for a particular Service, before there has been a Call for the same, and charged their full Commission thereon; in which Instances the Agents may receive Commission for barely receiving and repaying Money to the Commissioners.

Your Committee having inspected the several Muster Rolls of the Companies of Soldiers in the Pay of this Province, do find, That there was mustered in Capt. John Dagworthy's Company the 8th Day of May 1757, at Fort Cumberland, the Captain, Two Lieutenants, the Ensign, the Surgeon, Four Serjeants, Four Corporals, the Drummer, and Seventy-two private Men; and in the same Company were mustered at Fort Cumberland aforesaid, ꝑ Muster Roll dated the 8th June 1757, the Captain, Two Lieutenants, the Ensign, the Surgeon, Four Serjeants, Three Corporals, the Drummer, Sixty-nine private Men, and one private Man on Furlough. Your Committee also find by the Muster Roll of said Company, dated July 8th, 1757, that it consisted of the Captain, Two Lieutenants, the Ensign, the Surgeon, Four Serjeants, Three Corporals, the Drummer, and Fifty-nine private Men, one private Man on Party, and one on Furlough; and that the said Muster Rolls are signed by the Commissary George Ross. But we must beg Leave to observe, that on the Two last mentioned Rolls, the following Nota Benes are endorsed, viz.^{t} On that for June, "N.B. The Agents are requested to observe, that the above Muster Roll was taken the 19th July 1757, (tho' the 8th June 1757 was inserted, that the Pay of the respective Companies
p. 78 might be correspondent); however, if this is thought to be irregular, the Commissary will make the Date exactly conformable to the Time, viz.^{t} the 19th July 1757." And on the July Roll as follows, "N. B. The Agents are requested to observe, that the above Muster Roll was taken the 19th July 1757 (tho' the 8th July 1757 was inserted, that the Pay of the respective Companies might be correspondent); however, if this is thought to be irregular, the Commissary will make the Date exactly conformable to the Time, viz.^{t} the 19th July 1757." And on the July Roll as follows, "N. B. The Agents are requested to observe, that the above Muster Roll was taken the 19th July 1757 (thro' the 8th July 1757 was inserted, that the Pay of the respective Companies might be correspondent); however, if this is thought to be irregular, the Commissary will make the Date exactly conformable to the Time, viz. the 19th July 1757." Whence your Committee

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apprehend it will appear, that notwithstanding the Muster Rolls are dated the 8th Day of June and July 1757, respectively, yet in Truth the said Company was not mustered in Presence of the Commissary till the 19th Day of July 1757: And that the Rolls aforesaid are not agreeable to the Directions of the Act of Assembly, which requires that the several Companies of Soldiers in the Pay of this Province, "shall be mustered monthly while they remain in this Province." Your Committee further observe, that from the Face of the said Muster Rolls it does not appear that any Part of the said Company went on Detachment, on Party, or Ranging, to the 19th July aforesaid, except one private Man said to be on Party June 14th, 1757.

Your Committee find, that the Muster Rolls of Capt. Alexander and Joshua Beall's, Pearis's and Ware's Companies, are returned with the proper Certificates, endorsed agreeable to an Act of Assembly made at Baltimore Session, entituled, An Act for his Majesty's Service, and the more immediate Defence of the Frontier Inhabitants of this Province. And from an Examination into the said Rolls, the following Scheme is drawn, shewing the State and Destination of each particular Company, and of the Four Companies in general, monthly, to the 8th Day of September last.

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But your Committee have not been able, from any Papers which have been laid before them by the Agents, to form any Judgment of what Service the Parties and Detachments, mentioned in the Muster Rolls to be made from the several Companies beforementioned, have been employed in.

Your Committee also Report, that there have been laid before them sundry Receipts, amounting to £70 Bounty-Money paid the following Persons, who do not appear on any Muster Rolls laid before us.

May	25th, 1757.	John Carrill, ...	£5 0 0
	30.	Joseph Jones, ...	5 0 0
July	14.	George Laws, ...	5 0 0
	23.	John Day, ...	5 0 0
Aug.	15.	John White, ...	5 0 0
	16.	Samuel Powell, ...	5 0 0
		William Brown, ...	5 0 0
	4.	William Lay, ...	5 0 0
		Thomas Pudworth, ...	5 0 0
	23.	Charles Dorsey, ...	5 0 0
Sept.	4.	William Jennings, ...	5 0 0
	2.	John Cole, ...	5 0 0
	15.	James M'Neil, ...	5 0 0
		Robert Chilton, ...	5 0 0
			£70 0 0

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Of the first Grant of £12650..................	£495	6	7
Of the £3000 for Enlisting Men for the Royal American Regiment, ...	47	15	11
Of the £3100 for purchasing Arms and Ammunition, ...	2663	18	1
Of the £2000 for purchasing Wheat,.............	40	0	0
Of the £3400 granted in September Session 1756, for the additional Company, ...	566	7	10½
Of the Part of the Scalping Money drawn out,.....	103	0	0
Of the £8350 granted by Act made at Baltimore Session, ...	579	15	0
	£4496	3	5½

p. 81 But your Committee have been informed by the Agents, that there are many Accounts not brought in, and several of the Services for which Money hath been granted by the afore mentioned Acts, not yet compleated; which will, when finished, not only require the aforesaid Ballances remaining in the Agents Hands, but the greatest, if not all the remaining Part of the £40,000 in the Hands of the Commissioners, excepting the Money appropriated for Scalps, the Application whereof depends upon Contingencies.

Your Committee also beg Leave to present to the Honourable House, that it is their Opinion the Agents ought to ballance their Books, and transfer the Ballances into a new Set of Books every Time they are laid before the Assembly, or a Committee thereof, for Examination.

All which is humbly submitted to the Consideration of the Honourable House.

Signed ꝑ Order, Beale Nicholson, Clerk Committee.

Which was Read, and Ordered to lie on the Table.

Col. Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for granting a Supply of for his Majesty's Service, and the more immediate Defense and Security of the Frontier Inhabitants of this Province; and Emitting thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments; which Bill was Read the first Time, and Ordered to lie on the Table.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes. L. H. J. Liber No. 49 Nov. 11

The Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County.

The Bill, entituled, An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and Running of Horse-Races, near the yearly Meetings of the People called Quakers, &c. p. 82

The Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes and several Sorts of Liquors imported, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records and Papers from the Public Offices.

The Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, &c.

The Bill, entituled, An Act continuing an Act, entituled, An additional Supplementary Act to the Act, entituled, An Act relating to Servants and Slaves.

The Bill, entituled, An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers and other Offenders.

The Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders, &c.

The Bill, entituled, An Act continuing an Act, entituled, An Act to exempt Persons appearing at Musters from Arrests in civil Cases

The Bill, entituled, An Act continuing an Act, entituled, An Act to make the Testimony of convicted Persons legal against convicted Persons. And,

The Bill, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of Saint George's Parish in that County, a Sum of Money for the Uses therein mentioned.

Which Bills were severally Indorsed; "By the Upper House of Assembly, 10th November 1757 Read the first time and ordered to lie on the table." And thus, "By the Upper House of Assembly 11th November, 1757. Read the second Time, and will pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Which Bills were severally Read Here, and passed for Ingrossing. p. 83

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

L. H. J. Liber No. 49 Nov. 11 Col. Tasker, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act Repealing all the Laws heretofore made for the killing of Crows and Squirrels, and having an Allowance for the same so far as relates to Somerset, Prince-George's, Calvert, and Worcester Counties;

Indorsed, "By the Upper House of Assembly, 10th November 1757 Read the first time and ordered to lie on the table." and thus, "By the Upper House of Assembly 11th November, 1757. Read the second Time, and will pass with the following Amendments. Leave out the Words, so far as relates to Somerset, Calvert, Prince-George's, and Worcester Counties, in the Title. Leave out after the Word expensive, the Rest of the Preamble. After the Word Taxable, in the 10th Line, leave out, in the said Counties of Somerset, Calvert, Prince-George's, and Worcester. In the 12th Line, leave out the Words, as to Somerset, Calvert, Prince-George's and Worcester Counties only.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Which Amendments being Read, the Question was put, Whether the Amendments proposed by the Upper House, shall be made to the said Bill, or Not? Resolved in the Negative.

Mr. James John Mackall brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for suppressing Plumb-Point Warehouse in Calvert County; which Bill was Read the first Time, and Ordered to lie on the Table.

The House adjourns until the Morrow Morning at 9 of the Clock.

Nov. 12 Saturday, 12th November, 1757.

The House met according to Adjournment: The Members were called; and all appeared as Yesterday. The Proceedings of Yesterday were Read.

Major Handy and Mr. Harris appeared in the House.

Philip Hammond, Esq; Mr. Murdock, Mr. Thomas Gantt, Mr. J. J. Mackall, and Mr. Edward Gantt, have Leave to be absent till next Monday Morning at 10 of the Clock.

On Motion, Ordered, That the Bill, entituled, An Act for granting a Supply of for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole by an equal Assessment on all Estates, Real and Personal, p. 84 and Lucrative Offices and Employments, be Read the second Time on Monday Morning next at Ten of the Clock.

Col. John Scarborough, a Delegate returned for Worcester County, appeared in the House.

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Ordered, That Col. Henry and Mr. Wilson do go with Col. Scarborough to the Upper House, to see him Qualified. They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, The members were called &c^{a}

The House adjourns until Monday Morning at 9 O'Clock.

Monday, 14th November, 1757.

Nov. 14

The House met according to Adjournment, &c.

Mr. Gray appeared in the House.

Mr. Chapline brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to Prohibit Raising of Swine and Geese in Frederick-Town, in Frederick County; which was Read the first Time, and Ordered to lie on the Table.

Mr. Govane brings in and delivers to Mr. Speaker, an Ingrossed Bill, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of Saint George's Parish in that County, a Sum of Money for the Use therein mentioned.

Which was Read and Assented to.

On Motion, the Question was put, Whether Leave be given, To bring in a Bill to Repeal all the Laws heretofore made for the killing of Crows and Squirrels, or having any Allowance for the same so far as relates to Somerset, Calvert, Prince-George's, Worcester, and Frederick Counties, or Not? Resolved in the Negative.

For the Affirmative,

Sothoron,
Rasin,
Worthington,
B. Mackall,
E. Gantt,
Lee,
Waggaman,
Lowes,
Gale,
Wilson,
Earle,
Ward,
Fraser,
T. Gantt,
Scarborough,
Henry,
Handy,
Chapline,
Beatty,
Cresap.
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For the Negative,

Williamson,
Hynson,
Tilden,
Hammond,
Edmondson,
Oldham,
Gray,
Sulivane,
Hyland,
Dulany,
Woodward,
E. Tilghman

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Gassaway,
Reynolds,
Dent,
Stoddert,
Goldsborough,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Bracco,
Harris,
E. Dorsey.

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p. 85 The Order of the Day being Read; the House proceeded to the second Reading of the Bill, entituled, An Act for granting a Supply of for his Majesty's Service, &c.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Plater appeared in the House.

The House proceeded further on the second Reading of the Bill, entituled, An Act for granting a Supply of for his Majesty's Service, &c.

The House adjourns until the Morrow Morning at 8 of the Clock.

Nov. 15

Tuesday, 15th November, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, The Proceedings were Read.

Mr. Hanson appeared in the House.

Col. Hammond, from the Upper House, delivers to Mr. Speaker, a Petition of divers Persons, the Subscribers, Inhabitants of Dorchester County; and a Petition of John Sewall, Carpenter, of Cæcil County; which Petitions were severally Indorsed, "By the Upper House of Assembly, Referred to the Consideration of the Lower House of Assembly."

Which Petitions were severally here Read, and Ordered to lie on the Table.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

On a Progression of the second Reading of the Bill, entituled, An Act for granting a Supply of for his Majesty's Service, &c. the Question was put, Whether that Part of the Bill which impowers the Commissioners to choose the Assessors, shall be altered, or Not? Resolved in the Affirmative.

p. 86 For the Affirmative,

Williamson,
Hynson,
Rasin,
Tilden,
Worthington,
Dent,
Stoddert,
Lowes,
Goldsborough,
Edmondson,
Cockey Deye,
Owings,
Hyland,
Ward,
Woodward,

L. H. J.
Liber No. 49
Nov. 15

B. Mackall,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Oldham,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
King,
Scarborough,
Henry,
Handy,
Harris,
Cresap.

33

For the Negative,

Plater,
Sothoron,
Hammond,
Gassaway,
Waggaman,
Gale,
Wilson,
M. Tilghman,
Earle,
Dulany,
Murdock,
Fraser,
T. Gantt,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Chapline,
E. Dorsey,
Beatty.

20

Mr. Waggaman and Mr. Gale have Leave to go home.

The House adjourns until the Morrow Morning at 8 of the Clock.

Wednesday, 16th November, 1757.

Nov. 16

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

An Ingrossed Bill, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of St. George's Parish in that County, a Sum of Money for the Uses therein mentioned, was sent to the Upper House, with the Paper Bill thereof, by Mr. Govane and Mr. Owings.

The Bill, entituled, An Act for suppressing Plumb-Point Warehouse in Calvert County, was Read the second Time, and will pass; and was sent to the Upper House by Mr. B. Mackall and Mr. Thomas Reynolds.

The Bill, entituled, An Act to prohibit Raising Swine and Geese in Frederick-Town in Frederick County, was Read the second Time, and will pass; and was sent to the Upper House by Mr. Edward Dorsey and Mr. Chapline.

On Progression in Reading the second Time, the Bill, entituled, An Act for granting a Supply of   for his Majesty's Service, &c. the Question was put, Whether the Oaths to be prescribed by the said Bill for Papists to take, shall be according to the Form prescribed by the Statute of 1 William and Mary, or Not? Resolved in the Negative.

p. 87

L. H. J.
Liber No. 49
Nov. 16

For the Affirmative,

Sothoron,
Wilson,
M. Tilghman,
Oldham,
J. H. Dorsey,
Earle,
Dulany,
Woodward,
T. Gantt,
King,
Henry,
Harris,
E. Dorsey.
[13]

For the Negative,

Plater,
Williamson,
Hynson,
Rasin,
Tilden,
Hammond,
Gassaway,
Worthington,
B. Mackall,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Stoddert,
Lowes,
Gale,
Goldsborough,
Edmondson,
Gray,
Sulivane,
Lecompte,
Govane,
Cockey Deye,
Owings,
Hyland,
Ward,
Murdock,
Fraser,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
Handy,
Chapline,
Beatty,
Cresap.
[38]

On further Reading the said Bill, the Question was put, Whether the Oaths prescribed by the said Bill to be taken by Papists, shall be such as are prescribed by the Act, entituled, An Act for the better Security of the Peace and Safety of his Lordship's Government, and the Protestant Interest, within this Province, or Not? Resolved in the Affirmative.

For the Affirmative,

Plater,
Williamson,
Hynson,
Rasin,
Tilden,
Hammond,
Gassaway,
Worthington,
B. Mackall,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Stoddert,
Lowes,
Gale,
Goldsborough,
Edmondson,
Gray,
Sulivane,
Lecompte,
Govane,
Cockey Deye,
Owings,
Hyland,
Ward,
Murdock,
Fraser,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
Handy,
Chapline,
Beatty,
Cresap.
[38]

L. H. J.
Liber No. 49
Nov. 16

For the Negative,

Sothoron,
Wilson,
M. Tilghman,
Oldham,
J. H. Dorsey,
Earle,
Dulany,
Woodward,
T. Gantt,
King,
Henry,
Harris,
E. Dorsey.

[13]

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

On further Reading the Bill for granting a Supply for his Majesty's Service, &c. the Question was put, Whether the Collectors of the Assess-Money shall be allowed Two ꝑ Cent. for Collection, or more than Two ꝑ Cent? Resolved, That the Collectors of the Assess-Money be allowed Two ꝑ Cent. p. 88

For Two ꝑ Cent.

Plater,
Sothoron,
Williamson,
Hynson,
Rasin,
Tilden,
Hammond,
Gassaway,
Worthington,
B. Mackall,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Stoddert,
Wilson,
Goldsborough,
M. Tilghman,
Edmondson,
Gray,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
Handy,
Harris,
Chapline,
E. Dorsey,
Beatty,
Cresap.

[45]

For more than Two ꝑ Cent.

Lowes,
Gale,
Oldham,
Sulivane,
Dulany,
Henry.

[6]

The question was put, Whether the following Question shall be now put, viz.[t] Whether Lawyers shall be Rated Five Pounds ꝑ Hundred upon the annual Profits of their Profession, or Not? Resolved in the Negative.

L. H. J.
Liber No. 49
Nov. 16

For the Affirmative,

Plater,
Sothoron,
Rasin,
Tilden,
Gassaway,
Worthington,
B. Mackall,
Reynolds,
Hanson,
Lee,
Scarborough,
Handy,
Stoddert,
Lowes,
Gale,
Goldsborough,
Edmondson,
Oldham,
Lecompte,
Govane,
Cockey Deye,
Hyland,
Henry,
Harris.

[24]

For the Negative,

Williamson,
Hynson,
Hammond,
J. J. Mackall,
E. Gantt,
Dent,
Wilson,
M. Tilghman,
Gray,
Sulivane,
J. H. Dorsey,
Owings,
Earle,
Ward,
Dulany,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Chapline,
E. Dorsey,
Beatty,
Cresap.

[28]

On Motion, the Bill, entituled, An Act for his Majesty's Service, &c. was committed for Amendments.

Mr. Benjamin Mackall and Mr. Edmondson have Leave to go home.

Mr. Baker appeared in the House.

The House adjourns until the Morrow Morning at 9 of the Clock.

Nov. 17
p. 89

Thursday, 17th November, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Benjamin Mackall, Mr. Waggaman, and Mr. Sudler. The Proceedings were Read.

Ordered, That Mr. Goldsborough, Mr. Gassaway, and Major Hynson, be a Committee to Tax the Fees and Costs, which have accrued due to the several Officers of this House, and Others, on the Petition of Mr. Henry Woodward, complaining of an undue Election for the City of Annapolis, and to make Report thereof to the House.

On Reading the Petition of divers Persons, the Subscribers, Inhabitants of Dorchester County, praying that a Bill may be brought in, To Restrain Persons from Hunting, and Driving of Deer and Foxes over the Plantations and Lands of the Petitioners and Others, the said Petition was Granted; and Leave given to bring in a Bill.

L. H. J. Liber No. 49 Nov. 17

Ordered, That Mr. Lloyd, Col. Henry, Mr. Gray, Mr. Sulivane, and Mr. Lecompte, do prepare and bring in a Bill accordingly.

A Motion, That Leave be given to bring in A Supplementary Bill to the Act, entituled, An Act for granting a Supply of £40000. &c. was Granted.

Ordered, That Mr. Lloyd, Col. Henry, Mr. Williamson, Mr. Bracco, and Mr. Wilson, do prepare and bring in a Bill accordingly.

A Motion, for Leave to bring in A Supplementary Bill to the Act for Regulating Ordinary-Keepers, &c. was Granted.

Ordered, That Mr. Bracco, Mr. Lloyd, Mr. Matthew Tilghman, and Mr. Wilson, do prepare and bring in a Bill accordingly.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

On Motion, That a Bill be brought in To impower the present Inspector of St. Mary's Warehouse, in St. Mary's County, to sell the Transfer Notes belonging to the said Warehouse, which remain unsold, occasioned by the Death of the late Inspector of the said Warehouse; Leave is given.

Ordered, That Mr. Plater, Mr. Lloyd, Mr. Bracco, Mr. Williamson, and Mr. Sothoron, do prepare and bring in a Bill for such Purpose.

The House adjourns til the Morrow Morning at 9 of the Clock.

Friday, 18th November, 1757.

Nov. 18 p. 90

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Gale. The Proceedings were Read.

Mr. Reynolds and Major Hyland have Leave of the House to go home.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment: The Members were called, and all appeared as in the Morning, except Mr. Reynolds and Mr. Hyland.

Daniel Dulany, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act to Prohibit Raising of Swine and Geese in Frederick-Town in Frederick County;

Indorsed, "By the Upper House of Assembly, 16th November 1757. Read the first time and Ordered to lie on the table signed ꝑ Order J Ross Clupho" and thus "By the Upper House of Assembly, 18th November, 1757. Read the second Time, and will pass, with the following Amendments. Leave out the last Enacting Clause, and insert the Two following Clauses, viz. [And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid,

L. H. J. Liber No. 49 Nov. 18

That in case any Person or Persons whatsoever, living, or that shall live, within the said Town, shall, after the End of this present Session of Assembly, suffer any Swine or Geese, belonging to themselves, or under their Care and belonging to any other Person, to go at Large within the said Town, it shall and may be lawful for any Person to shoot, or otherwise destroy, such Swine or Geese, found at Large as aforesaid].

[And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That if any Person shall be sued or impleaded, for shooting or otherwise destroying such Swine or Geese as aforesaid, the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence].

Signed ꝑ Order, J. Ross, Cl. Up. Ho.

The House adjourns til the Morrow Morning at 9 of the Clock.

Nov. 19 p. 91

Saturday, 19th November, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Sudler appeared in the House.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t]

Gentlemen of the Lower House of Assembly,

As you have not signified any Thing to the contrary, I presume you have, upon mature Deliberation, and agreeable to what I recommended to you in my Message of the 21st of October, Resolved to provide for the farther Support of the Garrison at Fort Cumberland, as well as of the other Troops that have been Raised here for his Majesty's Service, and the more immediate Defence of this Province. But as I cannot learn that you have yet offered any Bill for this Purpose, to the Gentlemen of the Upper House, I must take the Liberty to remind you of the Occasion of our Meeting, and also to lay before you a Copy of a Letter which I received a few Days since from the Earl of Loudoun, wherein you will observe his Lordship acknowledges the Receipt of the Address, which you were pleased to present to me the 19th October, in Answer to a Message which I had sent you the 15th Day of that Month. I cannot conclude without intimating to you, that this Session has been already protracted to an unusual Length, and that the Winter will very shortly be so far advanced, as to render the Conveyance of a sufficient Quantity of Provisions to Fort Cumberland very difficult, if not absolutely impracticable.

Hor.° Sharpe.

19th November, 1757.

And the following letter Viz.^{t} L. H. J. Liber No. 49 Nov. 19

Albany, Nov.^{r} 3.^{d} 1757

Sir.

Last night I had the favour of yours of Oct.^{r} 21st with an account of the Proceedings of your Assembly and a Copy of their Address to you. I must own the Restriction your Assembly endeavoured to lay on the Troops raised by your Province last Spring Surprized me as it interfered with the King's undoubted prerogative of Commanding all his Subjects in Arms either by himself or those he appoints under him. However the Troops were wise enough to obey his Majesty's Orders given them by those who alone had power to give them p. 92 and I was in hope the gentlemen that compose the Assembly had reconsidered that Affair and seen the Error of it, But your Letter and their Address have shown me that I was mistaken and yet I cannot help having that Charity for my fellow Subjects to believe that this Affair has not appeared to them in its true light for I cannot think that the Assembly of Maryland ever intended to Invade the King's undoubted Prerogative nor can I possibly believe that they intend to throw the Frontier Garrisons of his Majesty's Dominions into the Enemies hands particularly when those Garrison's are in their own Province and so essential to their own protection—and yet this measure is big with all those Consequences, both from its own Nature and still more so from the season in which it is taken the account of it arriving to me late on the 2.^{d} of Nov.^{r} in the back Country of the Province of N. York by which measures they not only refuse their Aid to the common Cause and desert the Interest and Security of their own Province but by the Season they have taken this Resolution it put it out of the power of the King's Servants to remedy the end that the execution of such a Measure cannot miss to have—From this light of things which is the true one I cannot doubt that your Assembly will immediately take such Resolutions as shall enable you to provide effectually for the Security of that important Post at Fort Cumberland so as to prevent its being abandoned and put into the Enemies possession which would be the Effect of such a resolution. I must further remind you of the uninterrupted Orders to have been communicated to all the Governments in North America from his Majesty's Secretary's of State from the year 1754 to this time to be aiding and assisting to his Commander in Chief in North America in supplying Troops &c.^{a} and in consequence of his Majesty's Commands to me of applying to the different Provinces for such aid as I see necessary for the common Cause I do demand from the Province p. 93 of Maryland that the 500 men furnished for the common Cause and employed by me this last Summer in the Defence of their Garrisons on their Frontiers be continued in the Service this Winter as absolutely necessary for the Defence of their own Province and the defence of his Majesty's Dominions, as to their disposing of the

L. H. J. Liber No. 49 Nov. 19

Troops in the Winter I have the Kings Commission to Command all Men that are or shall be in Arms in North America, I am on the Spot, and whilst the King does me the Honour to continue that Commission to me I will execute it, and if any Officer or Soldier presume to disobey my Orders I will treat him as the Law directs—If my Business can possibly permit me I will come immediately to Annapolis where I do not doubt but you and I will be able to set things in such a light as will be perfectly satisfactory to the Gentlemen of your Assembly and to every other man that has the safety and Prosperity of Maryland at heart and indeed of every man that has the prosperity and safety of his Majesty's Subjects and Dominions in North America. As the Business I am engaged in may put it out of my Power to make this Journey so soon as I could wish I must begg that you will take every measure to bring your Assembly to a right understanding of this so essential a point both for themselves and his Majesty's Dominions in North America and that you will from time to time acquaint me by express of what Resolutions are taken in this affair.

I am with great Regard
Sir
Your most Obed.ᵗ
Humble Serv.ᵗ
Loudoun

To Governor Sharpe

Which Message and Letter Were Read and Ordered to lie on the table.

Mr. Edmund Key, a Delegate returned for St. Mary's County, appeared in the House.

Ordered, That Mr. Plater and Mr. Sothoron do go with him to the Upper House, to see him Qualified. They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

p. 94 Ordered, That Mr. Key be added to the Gentlemen appointed to prepare and bring in A Supplementary Bill to the Act for granting a Supply of £40000, &c. and to A Supplementary Bill to the Act for Regulating Ordinaries, &c.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. James John Mackall hath Leave to go home.

Mr. Gray brings in and delivers to Mr. Speaker, a Bill, entituled, A Supplementary Act to an Act, entituled, An Act for the Preservation of the Breed of Wild Deer; which was Read the first Time, and Ordered to lie on the Table.

Col. Tilghman brings in and delivers to Mr. Speaker, the Bill, entituled, An Act for granting a Supply of £20,000, &c. which was Read with the Amendments, and recommitted. L. H. J. Liber No. 49 Nov. 19

The House adjourns til Monday Morning at 9 of the Clock.

Monday, 21st November, 1757. Nov. 21

The House met according to Adjournment: The Members were called, and all appeared as on Saturday. The Proceedings were Read.

The House adjourns until 2 of the Clock Afternoon.

Post Meridiem. The House met according to Adjournment, &c.

Mr. Reynolds appeared in the House.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, a Petition of the Corporation of the City of Annapolis; Indorsed, "By the Upper House of Assembly, 21st November, 1757. Referred to the Consideration of the Lower House of Assembly."

Which Petition was Read here, and Ordered to lie on the Table.

Mr. Bracco, from the Committee appointed, brings in and delivers to Mr. Speaker, a Bill, entituled, A Supplementary Act to an Act, for granting a Supply of £40,000, &c. which Bill was Read the first Time, and Ordered to lie in the Table.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly; Indorsed, "By the Upper House of Assembly, 19th November, 1757. Read the first Time, and Ordered to lie on the Table. p. 95

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

And thus, "By the Upper House of Assembly, 21st November, 1757. Read the second Time, and will pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Which Bill was Read here the first time and Ordered to lie on the Table.

The House adjourns til the Morrow Morning at 9 of the Clock.

Tuesday, 22d November, 1757. Nov. 22

The House met according to Adjournment, &c.

On Reading and Considering the Petition of the Corporation of the City of Annapolis, the Question was put, Whether Leave be given to bring in a Bill according to the Prayer of the said Petition, or Not? Resolved in the Negative.

On Motion, the Question was put, Whether Provision be made for the Troops that are coming to Annapolis, now by Ordinance, or Not? Resolved in the Negative.

L. H. J.
Liber No. 49
Nov. 22

For the Affirmative,

Plater,
Key,
Williamson,
Hynson,
Worthington,
E. Gantt,
Stoddert,
Lowes,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Sulivane,
Govane,
Dulany,
Woodward,
Murdock,
Fraser,
Henry,
Chapline,
E. Dorsey.
21

For the Negative,

Sothoron,
Rasin,
Tilden,
Hammond,
Gassaway,
J. J. Mackall,
Reynolds,
Hanson,
Lee,
Dent,
M. Tilghman,
Lecompte,
J. H. Dorsey,
Cockey Deye,
Owings,
Earle,
Baker,
Ward,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
Handy,
Harris,
Cresap.
[28]

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Col. Tilghman brings in and delivers to Mr. Speaker, the Bill, entituled, An Act for granting a Supply of £20,000 for his Majesty's Service, &c. with the Amendments for which it had been recommitted.

p. 96 On Reading the second Time the said Bill, with the Amendments, the Question was put, Whether that Part of the Bill relating to the Tax upon Lawyers, shall be altered, or Not? Resolved in the Negative.

For the Affirmative,

Plater,
Sothoron,
Rasin,
Tilden,
Gassaway,
Worthington,
Reynolds,
Hanson,
Stoddert,
Lee,
Lowes,
Goldsborough,
Edmondson,
Oldham,
Cockey Deye,
Woodward,
Scarborough,
Henry,
Handy,
Harris.
20

For the Negative,

Key,
Williamson,
Hynson,
Lecompte,
Govane,
Owings,
Lloyd,
E. Tilghman,
Bracco,

L. H. J.
Liber No. 49
Nov. 22

Hammond,
J. J. Mackall,
E. Gantt,
Dent,
Wilson,
M. Tilghman,
Sulivane,
Earle,
Baker,
Ward,
Murdock,
Fraser,
T. Gantt,
King,
Sudler,
Chapline,
E. Dorsey,
Beatty.
27

Mr. Hammond hath Leave to go home.

The House adjourns til the Morrow Morning at 9 of the Clock.

Wednesday, 23d November, 1757.

Nov. 23

The House met according to Adjournment &c: The Members were called, and all appeared as Yesterday, except Philip Hammond, Esquire The Proceedings were Read.

On Progression in Reading the Bill, entituled, An Act for granting a Supply of £20,000, &c. the Question was put, Whether the Penalty on an Assessor (elected or appointed) for Refusing or making Default to act, shall be Ten Pounds, or Twenty Pounds, Current Money? Resolved, That the Penalty be Twenty Pounds Current Money.

For Ten Pounds Penalty,

Plater,
Sothoron,
Key,
Williamson,
Tilden,
Worthington,
Reynolds,
Dent,
Lowes,
Goldsborough,
M. Tilghman,
Edmondson,
Oldham,
Sulivane,
Lecompte,
Ward,
Murdock,
Scarborough,
Henry,
Handy,
Harris.
[21]

For Twenty Pounds Penalty,

Hynson,
Rasin,
Gassaway,
J. J. Mackall,
E. Gantt,
Hanson,
Lee,
Stoddert,
Wilson,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Earle,
Baker,
Dulany,
Woodward,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Chapline,
E. Dorsey,
Beatty,
Cresap.
[28]

L. H. J.
Liber No. 49
Nov. 23
p. 97

On Motion, the Question was put, Whether the Commissioners for executing such Part of the said Bill as relates to the Rates and Assessments, shall be liable to a Penalty for not serving, or Not? Resolved in the Affirmative.

For the Affirmative,

Plater,
Key,
Rasin,
Gassaway,
Reynolds,
E. Gantt,
Hanson,
Lee,
Dent,
Stoddert,
Wilson,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Earle,
Baker,
Ward,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Handy,
Chapline,
E. Dorsey,
Beatty,
Cresap.
33

For the Negative,

Sothoron,
Williamson,
Hynson,
Tilden,
Worthington,
Lowes,
Goldsborough,
Edmondson,
Oldham,
Dulany,
Woodward,
Murdock,
Scarborough,
Henry,
Harris.
[15]

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

On Motion, the Question was put, Whether the Forces, taken into the Pay of this Province by the Act, entituled, An Act for his Majesty's Service, and further Defence and Security of this Province, shall be continued in the Pay of this Province till the 25th Day of December next, or Not? Resolved in the Negative.

For the Affirmative,

Plater,
Key,
Williamson,
Hynson,
E. Gantt,
Wilson,
Lowes,
Goldsborough,
Edmondson,
Oldham,
Gray,
Owings,
Dulany,
Woodward,
Bracco,
Scarborough,
Henry,
Handy,
Harris,
Chapline.
20

L. H. J.
Liber No. 49
Nov. 23

For the Negative,

Sothoron,
Rasin,
Tilden,
Gassaway,
Worthington,
J. J. Mackall,
Reynolds,
Hanson,
Lee,
Dent,
Stoddert,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Earle,
Baker,
Ward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Sudler,
E. Dorsey,
Beatty,
Cresap.
30

The Bill, entituled, An Act for Granting a Supply of £20000, &c. was Read the second Time, with the Amendments throughout, and the Question was put, Whether the said Bill shall pass, or Not? Resolved in the Affirmative. p. 98

For the Affirmative,

Plater,
Sothoron,
Key,
Williamson,
Hynson,
Rasin,
Gassaway,
Worthington,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Dent,
Stoddert,
Wilson,
M. Tilghman,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Earle,
Baker,
Ward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Handy,
Chapline,
E. Dorsey,
Beatty,
Cresap.
40

For the Negative,

Tilden,
Lowes,
Goldsborough,
Edmondson,
Oldham,
Dulany,
Woodward,
Scarborough,
Henry,
Harris.
10

On Resolution of the aforegoing Question, the said Bill was Indorsed; "Read the second Time with the Amendments, and will pass."

Major Hynson, Mr. Cockey Deye, Mr. Lloyd, Mr. Edmondson, Mr. J. J. Mackall, Mr. Tilden, Mr. Rasin, Mr. J. Hammond Dorsey,

L. H. J. Liber No. 49 Nov. 23 Mr. Ward, Mr. Bracco, Mr. Govane, and Col. Cresap, have Leave to go home.

The House adjourns til the Morrow Morning at 9 of the Clock.

Nov. 24 Thursday, 24th November, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Major Hynson, Mr. Rasin, Mr. Tilden, Mr. Plater, and Mr. Cockey Deye.

Mr. Gray hath Leave to go home.

The Bill, entituled, An Act for Granting a Supply of £20000, &c. was sent to the Upper House by Mr. Lloyd and Fourteen more.

The Bill, entituled, An Act to Prohibit Raising of Swine and Geese in Frederick-Town in Frederick County, was Read, and, with the Amendments proposed, passed for Ingrossing.

The Bill, entituled, A Supplementary Act to an Act, entituled, An p. 99 Act for Granting a Supply of £40000, &c. was Read the second Time, and will pass.

The Bill, entituled, A Supplementary Act to an Act, entituled, An Act for the Preservation of the Breed of Wild Deer, was Read the second Time, and will pass.

His Excellency's Message of the 11th of October, was this Day Read again. On Reading thereof, Ordered, That an Address be prepared to his Excellency in Answer thereto; and that Col. Tilghman, Mr. Murdock, Mr. Matthew Tilghman, Mr. Edward Dorsey, and Mr. Key, do prepare and bring in such Address.

On Motion, Leave given to bring in a Bill, To make Valid the Proceedings of the Session of Assembly held at Baltimore-Town: Ordered, That Col. Tilghman do prepare and bring in a Bill accordingly.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Reynolds and Mr. Gassaway have Leave to go home.

Col. Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for making Valid the Proceedings of the Session of Assembly held at Baltimore-Town; which was Read the first Time, and Ordered to lie on the Table.

On Motion, That an Ordinance for a Sum of Money, to make Provision for the Soldiers that are to be Quartered in the City of Annapolis, be prepared;

Resolved, That an Ordinance be prepared accordingly.

On Motion, the Question was put, That an Ordinance for the Sum of £200 be prepared. Resolved in the Affirmative.

L. H. J.
Liber No. 49
Nov. 24

For the Affirmative,

Key,
Worthington,
E. Gantt,
Lowes,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Sulivane,
Govane,
Baker,
Dulany,
Woodward,
Murdock,
Fraser,
Sudler,
Scarborough,
Henry,
Handy,
Harris,
Chapline,
E. Dorsey.

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For the Negative,

Sothoron,
Williamson,
Reynolds,
Hanson,
Lee,
Dent,
Stoddert,
M. Tilghman,
Lecompte,
Owings,
Earle,
Ward,
T. Gantt,
King,
E. Tilghman,
Beatty.

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p. 100

The following Message, viz.

By the Lower House of Assembly, 24th November, 1757.

May it please your Honours,

This House doth propose, that the Sum of £200 Current Money, out of the Money granted for Recruiting 300 Men for his Majesty's Royal American Regiment, as is not expended, should be paid by the Agents appointed by the Act, entituled, An Act for his Majesty's Service, and further Defence and Security of this Province, to Messieurs James Maccubbin and James Johnson, to be laid out as a present Provision for the Quartering such of his Majesty's Forces as are expected to come to the City of Annapolis for Quarters; and desire your Honours Concurrence to such Ordinance for the Payment of that Sum by the said Agents.

Signed ꝑ Order, M. Macnemara, Cl Lo Ho.

Was sent to the Upper House by Mr. Goldsborough and Mr. Worthington.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.[t]

By the Upper House of Assembly, 24th November, 1757.

Gentlemen.

This House is willing that the Sum of Two Hundred Pounds Current Money be paid to Messieurs James Maccubbin and James Johnson, in the Manner, and for the Purposes, directed by your Message of this Afternoon, by Messieurs Goldsborough and Worthington, and is ready to consent to an Ordinance for that Sum.

Signed ꝑ Order, J. Ross, Cl Up Ho.

L. H. J.
Liber No. 49
Nov. 24

The following Ordinance, viz.[t]

An Ordinance for a present Provision for Winter Quarters for such of his Majesty's Forces as are expected to come to the City of Annapolis for Winter Quarters.

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It is Ordained, by his Excellency, The Governor, and the Upper and Lower Houses of Assembly, That the Sum of Two Hundred Pounds shall be paid to Messieurs James Maccubbin and James Johnson, by the Agents appointed by an Act, entituled, An Act for his Majesty's Service, and further Defence and Security of this Province, out of such Part of the £3000 granted by the said Act for Recruiting his Majesty's Royal American Regiment, as is not expended, to be laid out by the said James Maccubbin and James Johnson, as a present Provision for the Quartering such of his Majesty's Forces as are expected to come to the City of Annapolis for Quarters: A regular and clear Account of the Disposition of which Money, the said James Maccubbin and James Johnson are hereby directed to lay before the Assembly at their next Meeting.

Was Read, and the Question was put, That the said Ordinance be Assented to. Resolved in the Affirmative.

For the Affirmative,

Worthington,
E. Gantt,
Goldsborough,
Edmondson,
Oldham,
Sulivane,
Govane,
Baker,
Dulany,
Woodward,
Lowes,
Fraser,
Harris,
Chapline,
E. Dorsey,
Henry,
Key,
Wilson.
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For the Negative,

Sothoron,
Hanson,
Lee,
Dent,
Stoddert,
Lecompte,
Owings,
Earle,
Ward,
T. Gantt,
King,
Beatty,
M. Tilghman.
[13]

In Pursuance of the aforegoing Resolution, the said Orninance was Indorsed,

"Read and Assented to by the Lower House of Assembly.

Signed ꝑ Order, H. Hooper, Speaker."

And was sent to the Upper House by Mr. Dulany and Mr. Edward Dorsey.

The House adjourns til the Morrow Morning at 9 of the Clock.

Friday, 25th November, 1757.

L. H. J. Liber No. 49 Nov. 25

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Lloyd, Mr. Bracco, Mr. Gray and Mr. James John Mackall. The Proceedings were Read.

The Bill, entituled, A Supplementary Act to the Act, entituled, An Act for Granting a Supply of £40000, &c. And,

p. 102 The Bill, entituled, A Supplementary Act to an Act, entituled, An Act for the Preservation of the Breed of Wild Deer,

Were sent to the Upper House by Mr. Sulivane and Mr. Lee.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The following Ingrossed Bills were severally Read and Assented to, viz.[t]

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts, to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniences attending the Sale of strong Liquors, and Running of Horse-Races, near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings; and also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and Running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records and Papers from the Public Offices.

p. 103 An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy.

L. H. J. Liber No. 49 Nov. 25 An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Additional and Supplementary Act to the Act, entituled, An Act relating to Servants and Slaves.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers and other Offenders.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves, and directing the Manner of trying Slaves.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to exempt Persons appearing at Musters, from Arrests in Civil Cases. And,

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons.

Which said Ingrossed Bills were severally sent to the Upper House, with the several Paper Bills thereof, by Mr. Oldham and Mr. King.

Mr. Earle, Mr. Goldsborough, and Mr. Owings, have Leave to go home.

The House adjourns til the Morrow Morning at 9 of the Clock.

Nov. 26

Saturday, 26th November, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Govane and Mr. J. Hammond Dorsey. The Proceedings were Read.

Mr. Plater appeared in the House.

Mr. Edward Gantt, Mr. Fraser, Mr. Sudler, and Mr. King, have Leave to go home.

The House adjourns til Monday Morning at 9 of the Clock.

Nov. 28
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Monday, 28th November, 1757.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Reynolds, Mr. John Goldsborough, Mr. Edmondson, Mr. Govane, Mr. Earle, Mr. Ward, Mr. Fraser, Mr. Murdock, and Mr. King.

Mr. Sudler, Mr. Lloyd, Mr. Bracco, Mr. Gassaway, and Mr. Hammond, appeared in the House.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Worthington hath Leave to be absent To-morrow.

Mr. Key brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to enable the Inspectors of Saint Mary's Warehouse, in Saint Mary's County, to sell some Transfer Tobacco in the said Warehouse, for the Use therein mentioned; which was Read the first Time, and Ordered to lie on the Table. L. H. J. Liber No. 49 Nov. 28

Mr. Cockey Deye appeared in the House.

The House adjourns til the Morrow Morning at 9 of the Clock.

Tuesday, 29th November, 1757. Nov. 29

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Worthington. The Proceedings were Read.

Major Hynson appeared in the House.

Mr. Lecompte hath Leave to be absent.

Col. Hammond, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, A Supplementary Act to an Act, entituled, An Act for the Preservation of the Breed of Wild Deer; Indorsed, "By the Upper House of Assembly, 25th November 1757, Read the first time and Ordered to lie on the Table." And thus "By the Upper House of Assembly, 29th November, 1757. Read the second Time, and will not pass.

Signed ꝑ Order, J. Ross, Cl Up Ho."

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Fraser appeared in the House.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, A Supplementary Act to an Act, entituled An Act for Granting a Supply of £40000 for his Majesty's Service, &c. Indorsed, "By the Upper House of Assembly, 25th November 1757, Read the first time and Ordered to lie on the Table." And thus "By the Upper House of Assembly, 29th November, 1757. Read the second Time, and will not pass. p. 105

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

The House adjourns til the Morrow Morning at 9 of the Clock.

Wednesday, 30th November, 1757. Nov. 30

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Lecompte and Mr. Walter Dulany. The Proceedings were Read.

Mr. Worthington and Mr. King appeared in the Housee.

The House adjourns until 2 of the Clock Afternoon.

L. H. J. Liber No. 49 Nov. 30 Post-Meridiem. The House met according to Adjournment, &c.

Mr. Hanson is added to the Committee appointed for Inspecting the Office and Proceedings of the Commissioners of the Paper Currency Office, &c.

Mr. Lloyd brings in and delivers to Mr. Speaker, a Bill, entituled, An Additional and Supplementary Act to the Act, entituled, An Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit, &c. for the Encouragement of able-bodied Freemen to Enlist for the Expedition against Canada, &c. which was Read the first Time, and Ordered to lie on the Table.

The House adjourns til the Morrow Morning at 9 of the Clock.

Dec. 1 Thursday, 1st December, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Lecompte appeared in the House.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for Granting a Supply of £20000 for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, &c. Indorsed, "By the Upper House of Assembly, 30th November, 1757. Read the first Time, and Ordered to lie on the Table. p. 106

And thus, "By the Upper House of Assembly, 1st December, 1757. Read the second Time, and will not pass.

Signed ꝑ Order, J. Ross, Cl Up Ho."

On Motion, Ordered, That the Bill, entituled, An Act for Granting a Supply of £20000 for his Majesty's Service; and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting Ten Thousand Pounds thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments, Returned this Day with a Negative from the Upper House, be Printed by the 14th Day of January next, with the several Indorsements thereon, and such Part of the Proceedings as relate thereto; and that Two Printed Copies be delivered to each Member of the Upper and Lower Houses of Assembly, and One to every County Clerk of the several County Courts of this Province, to be lodged in the respective County Clerks Offices, for the Perusal of the Inhabitants of each County; and forwarded in the same Manner, by the Printer, as the Laws, Votes and Proceedings, are directed to be.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.[t] L. H. J. Liber No. 49 Dec. 1

Gentlemen of the Lower House of Assembly,

In a Letter which I received Yesterday in the Afternoon from the Commanding Officer at Fort Frederick, he tells me, That Fifty-six Cherokees were come thither to offer their Service for the Protection of our Frontier Inhabitants. I should be glad to know whether you would choose to have them retained in the Service of this Province, that I may send the Commanding Officer Instructions to conduct himself accordingly.

Hor.° Sharpe.

1st of December, 1757.

Which was Read, and Ordered to lie on the Table.

The House adjourns until 2 of the Clock Afternoon. p. 107

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Murdock appeared in the House.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Address, viz.[t]

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

Though we thought proper to defer answering your Message of the Eleventh of October, till our controverted Elections were decided, the important Affairs which occasioned our being convened maturely considered and determined on, and the Grounds of the numerous Complaints of the good People of this Province against Recruiting-Officers, and Persons impowered to Enlist Men into the Service, and more especially of the distressed Frontier Inhabitants, against the Forces there stationed for their immediate Protection and Quiet, were enquired into; we cannot now, consistent with our Duty, any longer put it off, as you have therein so publicly called in Question our Rights and Privileges.

The Hopes you were pleased to express, that a new Representative of the good People of this Province, would readily go into the Consideration of such Points, as should most effectually conduce to the Security and Convenience of that People, afforded us great Satisfaction; because this new Representative, in a great Degree, consists of those Gentlemen who lately composed the old.

The making Provision for the Support of so many of the Men already raised, as might be necessary for the more immediate Protection and Security of the Frontier Inhabitants, and for the Reception of such Number of his Majesty's Regular Forces, as we might reasonably presume would be ordered hither for Winter Quarters,

L. H. J. Liber No. 49 Dec. 1 are Matters of such an interesting Nature, that we should have given them the first Place in our Deliberations, tho' they had not been recommended to us by your Excellency; and from the Appearance of Harmony between the Chief Magistrate and Representatives of the p. 108 People, which seemed to shew itself at the Opening of this Session, we were willing to entertain Hopes of seeing our Endeavours, for the Benefit of the Province, and Security and Welfare of the People, rendered effectual; and that the Chief Magistrate was determined not to be guided by Councils tending to oppress or injure his Majesty's Subjects of this Province, much less to an Infringement of, or Violation to, any of the Just Rights and Privileges of that Branch of the Legislature, which, by our Constitution, is more particularly designed to guard against Oppression; and consequently, that we should not have had Reason to have feared any Attempt would be made against the Rights and Privileges and Authority of this House; on the free Enjoyment and Exercise of which, the Liberties of the good People of this Province so greatly depend.

We shall not exclaim against Fate, for interrupting our strict and speedy Pursuit of those Objects, the Security and Quiet of the People so full in View, but leave the World to judge, whether they were laid aside and disregarded by us, in order to make an Attempt upon the Rights and Privileges incident to your Excellency's Station, or whether, for Reasons which may possibly occur to the impartial Reader, you did not think it expedient to divert us from the necessary Enquiry into the Conduct of our own Officer, by making a direct Attack on the Privileges and Authority of this House, from the following Narrative of the whole Affair relative to Mr. John Ridout.

An Account of the Disbursements of a considerable Part of the £6000 granted in July 1754, by an Act for his Majesty's Service, which was laid before the late Lower House of Assembly by your Excellency, had been for some Time under the Examination of a Committee of that House, and there appearing in that Account many very extravagant and unreasonable Charges, and some for which Vouchers were wanting, it was by that Committee brought again into the House, and was by the House referred for further Ex- p. 109 amination to the next Session, and accordingly delivered to the Custody of the Clerk. That Account being missing, and a new one of a very different Nature, put in it's Place, we judged it expedient, that upon the Appointment of the same Person as our Clerk (who at first View must be supposed to be privy to that Exchange of Papers) he should be at least Reprimanded for such a Breach of Trust, and told, that any future Misconduct must occasion his Removal from it: Upon our Enquiry into this Affair, a Letter from Mr. John Ridout was produced, and Part of it read in the House, which is in the following Words:

"As the Assembly will meet again the 1st of July at farthest, the Governor will be impatient to receive your Accounts fully and clearly stated before that Time, because the Money is all expended. I before writ to you on this Matter, and left the several Papers, &c. which had been delivered in, with your Son at Conococheague."

L. H. J.
Liber No. 49
Dec. 1

As, from this Letter, and the Information of Col. Thomas Cresap, now a Member of our House to whom that Letter was directed that the Account which had been under the Examination of the Committee, was one of the Papers mentioned in it, we could not but be of Opinion, that the Account which was missing, had passed tho' Mr. Ridout's Hands; and as our Clerk denied, that he had delivered it to any Person whatever, and alledged, he supposed it must have been removed by some of the Members of the Lower House; a Regard for our own Characters, as well as the Security of the Public Papers, laid us under a Necessity of calling upon Mr. Ridout, to know how he came to the Possession of that Account. Mr. Ridout came before the House, in Consequence of a Request made by our Serjeant to that Purpose; the Letter being handed to him, he was asked, if the Name subscribed was his Hand-writing; he said, he could not, or did not think proper, to answer that Question. He was asked, how the Papers mentioned in that Letter, came into his Possession; he said, the Governor's Name being mentioned in that Letter, he did not think it proper to give any Answer. He was desired to withdraw. Being called in again, he was desired to give an Answer to the Question proposed to him before; he said, he perceived by the Date, the Letter had been wrote some Time ago; said, if he might have the Letter awhile, he would reflect upon the Matter; he was told, he might have a Copy of it, and might consider it against the Afternoon. He made no Answer. He was then ordered to attend again in the Afternoon. He said, the Governor had Business for him to do (or, he had Business of the Governor's that must be done) and he must desire to be excused. He was then ordered to withdraw. In a short Time the House ordered him to be called in again; but he was not to be found. Upon this Behaviour of Mr. Ridout, so unprecedented among us, and so dangerous in it's Consequences, a Warrant of this House was issued to our Serjeant, to bring Mr. Ridout before the House, to answer for a Contempt of the Authority, and a Breach of the inherent Rights and Privileges of it. Immediately on the Meeting of the House after Dinner, the Serjeant Reported, that he went to your Excellency's, and at the common Place of Entrance, enquired of the Servant attending at the Door, if Mr. Ridout was at Home; he answered, Yes. The Serjeant asked; if he was to be spoke with; the Servant replied, he was at Dinner, but would come to him if he (the Serjeant) had any Business with him. The Serjeant said, he would not interrupt him at Dinner, but would wait on him again: The Servant replied, he (Mr. Ridout) would come to him, and desired

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L. H. J. Liber No. 49 Dec. 1 the Serjeant to walk in; which he did, and stood at the Top of the Steps; and the Servant went in immediately. Mr. Ridout very soon came, and stood near him, and asked the Serjeant, if he had any Business with him; upon which the Serjeant told him, he had a Warrant to take him, and carry him before the House; and was going to read the Warrant to him; and he replied, it was very well, and turned about and went away, saying, he would come again immediately; very soon afterwards Mr. Ridout came to the Door of the Room which he had gone into, and said, he (the Serjeant) must excuse him, for that he could not attend; and then went in, and p. 111 shut the Door. Shortly after, the Serjeant desired a Servant Lad, who was going into the Room, to tell Mr. Ridout he should be glad to see him; the Lad returned and said, his Master ordered him to tell the Serjeant he could not attend. Immediately after, the other Servant came and told the Serjeant, the Governor desired to speak to him; upon which the Serjeant followed the Servant into the Governor's Room; the Governor immediately asked the Serjeant, what he wanted with Mr. Ridout; the Serjeant acquainted the Governor with his having a Warrant to bring Mr. Ridout before the House; the Governor said, Sir, you cannot take Mr. Ridout; he shall not attend; the Matter concerns myself, and the House should first have made me acquainted with it; and you may go and carry that Message to the Speaker; upon which the Serjeant came away immediately.

The Affair being thus circumstanced, we could not avoid in our Answer to your Excellency's Message of the 30th Day of September insisting on the issuing a Warrant to our Serjeant, to take into Custody a Person (tho' one of your Excellency's Family) who had thus contemptuously misbehaved before this House, in refusing to give Evidence, and to attend according to Order, as a Right which we conceived we ought to exercise, without any previous Application to your Excellency; and our Address was purposely so worded, that had that Message been occasioned, either by the Misbehaviour of our Serjeant, thro' Inacquaintance with the Duties of his Office, or by Inadvertence in your Excellency, to the Rights and Privileges of this House, you might have put an End to the Affair, by suffering Mr. Ridout to give Evidence before this House, and so have left us to proceed without Interruption, on the important Business, which occasioned our being called together.

We are surprized to find your Excellency so much mistaken, as to mention our apologizing for ourselves; we assure you we shall not be easily brought to make an Apology for doing what is not only right, but absolutely necessary. Our Words, out of which the Apology is endeavoured to be extorted, are, "if the Serjeant behaved in a Manner inconsistent with the Decorum that ought to be observed in your Excellency's House while you are at Dinner, it was not by any Direction of this House; and we hope, if he has been Guilty of the least Intrusion or Indecency, your Excellency will impute it to his being but just appointed to his Office." This is an Apology for the Serjeant's Behaviour, as represented by your Excellency, but we do not think it is one for any Conduct of ours, nor do we think it needs any.

L. H. J.
Liber No. 49
Dec. 1
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We are far from being disposed to have it believed, that our Serjeant may at any Time, except when you are at Dinner, enter your House, and take any Person from thence we may order him; and could we have thought any Circumstance had been thrown into your Message without Meaning or Design, we should have passed over that of your being at Dinner; but common Decency obliged us, when we were apologizing to your Excellency for our Serjeant, to make the Apology as circumstantial as you had made the Accusation.

We do not know of any such Officer as a Governor's Secretary, nor ever heard of such in this Government; and therefore (and not by Way of Excuse) we spoke of the Gentleman, against whom a Warrant was given to our Serjeant, by the Name of Mr. Ridout; and we hope a new Officer is not to be created within this Government by your Excellency's Messages informing us any Gentleman is such; and we cannot look upon Mr. Ridout as any Thing more than a Gentleman supported by your Excellency, or perhaps his Lordship, for your Convenience and Assistance in Writing.

Whether we have a Right to order our Serjeant to take a Governor's Secretary into Custody, or not, it is Time enough to dispute, when there is one legally commissioned (which we apprehend cannot be without the Consent of the Legislature) and duly qualified.

We do not desire to bring your Excellency's just and constitutional Rights, while you are the Chief Branch of our Legislature, into Dispute; nor will we tamely suffer ours to be violated or infringed.

What your Excellency is pleased to observe to us, by Way of Information, as to our Rights and Privileges as one Branch of the Legislature, may be New to you, but we assure you it is not so to us. What are the Rights and Privileges of those Gentlemen, that are said to constitute another Branch, we know nothing about; as it is a Branch undevised in our Charter, and unknown in it's Original. We with Pleasure acknowledge, that your Excellency, as a Branch of our Legislature, has Rights and Privileges, which we have neither Power or Desire to exercise; but that you have any Servant constitutionally attendant upon you, in your Legislative Capacity, in the Discharge of your Duty, we must deny; and we hope your Excellency will never insist, that any Person not having a Commission, or Public Appointment or Nomination, or any Thing more than a bare private Appellation, and one that never even underwent the Qualification necessary to distinguish him to be a loyal Subject, that we can find, should be looked on as such; and if any Person were to be commis-

p. 113

L. H. J. Liber No. 49 Dec. 1 sioned by our Lord Proprietary or Governor for that Purpose, we shall take no further Notice of him, or his Office, than to point it out as an Innovation in our Constitution, to which we will not submit.

Your Excellency's having a Right in certain Cases, as the Chief Branch of the Legislature, to give Law to us, we do not clearly understand; but presume you mean the Power of Convening, Proroguing and Dissolving us, which we do not dispute. It will be Time enough to answer what you are pleased to say, of the Authority of each, over the Servants of the other Branch of the Legislature, when it appears to us, that your Excellency, in your Legislative Capacity, has a Servant necessarily and constitutionally Attendant on you, in the Discharge of your Duty; but as this is not the Case, why you should prevent a Person, you are pleased to favour with such an Appellation, from giving Evidence before our House, or endeavour to protect him, against the ancient and undoubted Authority of it, we leave to the Judgment of others.

Upon this Principle then, that your Excellency has not in your Legislative Capacity, any Servant necessarily and constitutionally Attendant on you, for the Discharge of your Duty, give us leave to say, that Mr. John Ridout (or your Secretary, or by whatever Appellation it would be most agreeable to you to have him called), appearing before our House, whether by your Consent we neither know nor think it material (though it is pretty extraordinary, that your Secretary, as you are pleased to call him, and who, 'tis probable, has p. 114 not been but just appointed to his Office, should know so little of his Duty, as to come before us without your Consent), we had a Right to interrogate him in the Manner we did, and to issue a Warrant to our Serjeant, to take him into Custody, for a Breach of our Rights and Privileges, in refusing to give Evidence before this House, and for a Contempt of the Authority of it, in not attending according to Order. And we must say, we are sorry your Excellency should have dropped such an Expression, as that we had no Authority over him when present, let him have behaved as he would; and we think ourselves so far from having given you any Cause of Complaint, of any Attempt in us to exercise an unconstitutional Authority, in requesting Mr. Ridout to appear before us to give Evidence, that we are satisfied we have as much Right to call him before us, as any other Gentleman that may reside in your Excellency's House, and as much Right to call one of your Family before us, as one of any Gentleman's Family in the Province.

And we must here take the Freedom to tell your Excellency, that if the calling a Gentleman in your Family, Your Secretary, and endeavouring thereby to protect him against the Authority of this House, be one of those Rights and Privileges, which you intend, whenever you shall leave this Government, to deliver up to your

Successor; we hope it will be rejected as unknown and unconstitutional in this Government. L. H. J. Liber No. 49 Dec. 1

We would not willingly, from what is past, conclude your Excellency has been "endeavouring to conceal any Thing from our Knowledge, which it may be proper we should know;" if the disinterested Reader should, we cannot help it. The Assistance heretofore given by you to the Lower House of Assembly, in their public Consultations, would have afforded us some Reason, to have expected you would have pursued the same Conduct now, had not this unlucky Affair of Mr. Ridout's, convinced us of the contrary; and there seems but too much Room to apprehend, that had we, before we sent to request Mr. Ridout to attend, addressed your Excellency upon the Occasion, you would have judged the Subject improper for the Knowledge of the Public, and we should have had as little Satisfaction, upon the Point of our Enquiry, as we are like to have at present.

p. 115 After the View your Excellency was pleased to give us, of the Rights of the several Branches of the Legislature, with Regard to each other and your Sense of our Treatment of you, in the Person of the Gentleman you were pleased to distinguish by the Appellation of your Secretary, it is no Wonder you should conclude with intreating us to give the Matters you recommended to our Consideration an immediate Place in our Deliberations, and putting us in Mind of the heavy Load, the making suitable Provision for those Services, must necessarily lay upon the People; that it behoved us the more to lighten their Burthens, in other Respects; and that we might greatly contribute to it, by diligently attending the Public Business, and carefully avoiding all such Steps as could only tend to protract the Session; as you might possibly entertain Hopes, by that Means, totally to draw off our Attention from a Vindication of our Rights and Privileges. And we must here take the Freedom to observe, that tho' the Time spent in public Enquiries, in Endeavours for Redress of the Grievances the People labour under, and in the Support of the Rights and Privileges of this House, must necessarily lay upon them an heavy Burthen; yet, we are well assured, by the People themselves, that as they plainly see it unavoidable, they shall chearfully submit to it, as the lesser Evil.

And, may it please your Excellency, as we have, with all the Dispatch in our Power, done what is incumbent on us, towards making Provision for the Services recommended to us, we shall hope for the full and uninterrupted Enjoyment of our Rights and Privileges, while we proceed on such other Matters as we think may tend to the public Good.

On Reading the said Address, the Question was put, Whether the House Approves thereof, or Not?

Resolved in the Affirmative.

L. H. J.
Liber No. 49
Dec. 1

For the Affirmative,

Plater,
Key,
Sothoron,
Williamson,
Hynson,
Hammond,
Gassaway,
Worthington,
E. Gantt,
Hanson,
Lee,
Dent,
Stoddert,
Wilson,
M. Tilghman,
Sulivane,
Lecompte,
Cockey Deye,
Owings,
Baker,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
Henry,
Handy,
Chapline,
E. Dorsey,
Beatty.
35

p. 116

For the Negative,

Lowes,
Oldham,
Harris.
[3]

In pursuance of the Resolution of the aforegoing Question, the said Address was Indorsed, "Read, Approved, and Ordered to be Ingrossed."

Col. Hammond, from the Upper House, delivers to Mr. Speaker, a Petition of the Mayor, Recorder, and Aldermen of the City of Annapolis, in behalf of themselves and the other Inhabitants of the said City; Indorsed, "By the Upper House of Assembly, 1st Dec. 1757, Referred to the Consideration of the Lower House of Assembly."

Which Petition was here Read, and Ordered to lie on the Table.

The House adjourns til the Morrow Morning at 9 of the Clock.

Dec. 2

Friday, 2d December, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Govane appeared in the House.

On Reading a Second Time the Bill entituled, An additional and supplementary Act to the Act for the encouragement of Able-bodied Freemen to enlist for the Expedition against Canada, &c. the Question was put, Whether the said Bill shall Pass, or Not? Resolved in the Affirmative.

p. 117

For the Affirmative,

Plater,
Sothoron,
Williamson,
Hynson,
Lowes,
Wilson,
M. Tilghman,
Oldham,
Lloyd,
E. Tilghman,
Bracco,
Sudler,

L. H. J.
Liber No. 49
Dec. 2

Hammond,
Gassaway,
Worthington,
E. Gantt,
Hanson,
Lee,
Dent,
Stoddert,
Sulivane,
Govane,
Owings,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Scarborough,
Henry,
Harris,
Chapline,
E. Dorsey,
Beatty.
34

For the Negative,

Key,
Lecompte,
Cockey Deye. [3]

Which Bill was Indorsed, " Read the Second Time and will pass," and was sent to the Upper House by Mr. Bracco and Mr. Dent.

Maj. Handy and Capt. Lowes have Leave to go Home.

The House adjourns til 2 of the Clock Afternoon.

Post Meridiem. The House met according to Adjournment, &c.

Mr. James John Mackall appeared in the House.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency, Ingrossed, which was Read, Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Lloyd and Mr. Matthew Tilghman do acquaint his Excellency, that this House hath prepared an Address to be presented to him, and desired to know when and where he will please to receive it.

They return and acquaint Mr. Speaker, that the Governor was pleased to signify, he would receive the Address Tomorrow Morning in the Conference Chamber.

Upon Consideration of the Petition of the Mayor, Recorders and Aldermen, of the City of Annapolis, referred from the Upper House for the Consideration of the Lower House; the Question was put, Whether the following Resolve be made, or not? viz.[t] Resolved, that this House, by a Bill sent to the Upper House, have done every Thing incumbent on them towards making a proper Provision for such of his Majesty's Regular Forces as they apprehend will be continued in Winter Quarters, in the said City, and therefore, Resolved, that the said Petition be Rejected? Which Question was Resolved in the Affirmative. p. 118

For the Affirmative,

Plater,
Sothoron,
J. J. Mackall,
E. Gantt,
Wilson,
M. Tilghman,
Lecompte,
Cockey Deye,
Lloyd,
E. Tilghman,
Bracco,
Sudler,

L. H. J.
Liber No. 49
Dec. 2

Hanson,
Lee,
Dent,
Stoddert,
Owings,
Fraser,
T. Gantt,
King,
Chapline,
E. Dorsey,
Beatty.
[23]

For the Negative,

Key,
Williamson,
Hynson,
Hammond,
Gassaway,
Worthington,
Oldham,
Sulivane,
Govane,
Murdock,
Woodward,
Henry,
Harris.
[13]

In pursuance of the Resolution of the aforegoing Question, Resolved, That this House, by a Bill sent to the Upper House, have done every Thing incumbent on them towards making a proper Provision for such of his Majesty's Regular Forces as they apprehend will be continued in Winter Quarters in the said City; Therefore Resolved, That the said Petition be Rejected.

On Motion, the Question was put, Whether Leave be given to bring in a Bill to apply the Sum of £2000 part of the Money now in the Loan Office appropriated for the Payment for Scalps and Prisoners, and to be applied by the said Bill towards Quartering such of his Majesty's Regular Forces as are now, or may be expected this Winter in this Province, for Quarters, or Not? Resolved in the Negative.

For the Affirmative,

Key,
Williamson,
Hynson,
Hammond,
Gassaway,
Worthington,
Oldham,
Sulivane,
Govane,
Woodward,
Murdock,
Henry
Harris.
[13]

For the Negative,

Plater,
Sothoron,
J. J. Mackall,
E. Gantt,
Hanson,
Lee,
Dent,
Stoddert,
Wilson,
M. Tilghman,
Lecompte,
Cockey Deye,
Owings,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Chapline,
E. Dorsey,
Beatty.
[23]

The House adjourns til the Morrow Morning at 9 of the Clock.

Saturday, 3^d^ December, 1757.

L. H. J.
Liber No. 49
Dec. 3
p. 119

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Maj. Handy and Capt. Lowes. The Proceedings were Read.

Mr. Edmondson appeared in the House.

Ordered, That Mr. Hammond, with Five more, do Present the Address to his Excellency which was Yesterday prepared to be delivered to him.

On Motion, That an Address be prepared to his Excellency, requesting him to inform this House by what Authority the late Embargo or Prohibition was laid, and why several Vessels were permitted to Sail out of this Province whilst the said Embargo was continued in Force: The Question was put, Whether such Address shall be now prepared, or not? Resolved in the Affirmative.

Ordered, That Col. Tilghman, Mr. Matthew Tilghman, and Mr. Dorsey, do prepare and bring in such Address.

On Motion, Ordered, That Maj. Hynson, Capt. Gassaway, Mr. Edmondson, Mr. Plater, Mr. Harris and Mr. Sudler, be added to the Committee of Accounts.

On Motion, Resolved, That this House will not proceed upon any New Business this Session after next Monday.

The House adjourns til 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Thomas Gantt, Mr. Murdock, Mr. Sudler, Mr. Edward Gantt, and Mr. Hammond, have Leave to be Absent 'til Monday.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Chapline brings in and delivers to Mr. Speaker, an Ingrossed Bill, entituled, An Act to prohibit raising of Swine and Geese in Frederick Town in Frederick County; which was Read and Assented to.

Mr. Matthew Tilghman, from the Committee of Grievances and Courts of Justice, brings in and delivers to Mr. Speaker the Following Report, viz.[t]

p. 120

By the Committee of Grievances and Courts of Justice,
2^d^ December, 1757.

Your Committee beg leave to observe, from the several Depositions herewith laid before the Honourable House, such Abuses appear to have been Committed by Inlisting Officers, and Recruiting Parties, as have been very injurious to his Majesty's Subjects in this Province, and, if not speedily put a stop to, must unavoidably disquiet the Minds of the good People of this Province, and obstruct

L. H. J. Liber No. 49 Dec. 3 his Majesty's Service, and be productive of many and great Evils: But the Method to bring about this desirable End, is humbly submitted to the Wisdom of the House.

Signed ꝑ Order, William Wilkins, Clerk.

Which was Read, and the House Concurs therewith.

On Motion, that an Address be prepared to his Excellency on the Matters set forth in the said Report.

Ordered, That Mr. Edward Dorsey, Mr. Matthew Tilghman, and Mr. Lloyd, do prepare and bring in such Address.

Mr. Edward Dorsey brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

The General Embargo laid about March last, upon all Vessels in this Province Outward bound, being a Measure new and unknown in this Government, and having drawn down Consequences so destructive of the Interest of many of the good People thereof, that the p. 121 Necessitous have been obliged to part with their Grain and other produce of their Labour, at a Price much below the real Value, in order to subsist their Families and pay their Public Taxes, which many are even rendered unable to do; and those who have not been under a Necessity to part with their Commodities at an under Rate, have them now perishing on their Hands: We think ourselves obliged, in Duty to our Constituents, to request that your Excellency will be favourably pleased to inform us by what Authority the Embargo was laid, and by what Power it was so far dispensed with, that some particular Vessels were permitted to depart the Province during the Continuance of that Embargo.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Lee and Mr. Plater do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would be ready to receive the address immediately in the Conference Chamber.

Ordered, That Alexander Williamson, Esq; and Three more, do present the Address to his Excellency.

On Reading and Considering his Excellency's Message of the 19th of November, and a Copy of the Earl of Loudoun's Letter, communicated to Mr. Speaker therewith: Ordered, That Col. Tilghman and Mr. Dorsey do prepare and bring in an Address to his Excellency, in Answer to the Matters contained in the said Message and Letter. L. H. J. Liber No. 49 Dec. 3

Col. Tilghman brings in and delivers to Mr. Speaker, the following Report, viz.[t]

By the Committee appointed to Enquire into the Disbursement of the Monies raised by several Acts of Assembly, for maintaining the Forces to Guard the Western Frontier of this Province, and into the State and Condition of Fort Frederick, and into the Conduct p. 122 and Behaviour of the Officers and Soldiers supported in the Pay of this Province. 3d December, 1757.

Your Committee beg Leave to lay before the Honourable House, the Depositions of such Persons as it was thought might be able to give Light into the Conduct and Behaviour of the Troops, which have been raised and supported for the Quiet and Protection of the Frontier Inhabitants of this Province; from which we are humbly of Opinion it appears, that those Troops have been rather an Oppression than a Defence or Security to those unhappy People; and your Committee are in some Measure confirmed in this Opinion, by the Militia's being ordered out by his Excellency the Governor to Range the Frontier Settlements, and thereby compelled to do that Duty, which those Forces were raised and destined to perform; by which Means double Expence has been brought upon this Province; and the People, at the same Time they pass others, are obliged to be Ranging, to save the Lives of their distressed Neighbours.

Your Committee beg Leave further to observe, that it appears from some of the said Depositions, that large Quantities of spirituous Liquors have been sold and retailed in and about Fort Frederick for private Profit, without paying any Duty; and your Committee are apprehensive it is too much practised elsewhere, thro' the Negligence of the Collectors; by which Means, if not prevented, the Fund intended to be raised by such retailing Liquors, will be considerably lessened, and consequently the Landholders of this Province so much the more burthened by the additional Tax, which, by Law, must fall on them; but submit the Whole to the Consideration of the Honourable House.

Signed ꝑ Order, William Wilkins, Clerk.

Which was Read, and the House concurs therewith.

On Reading his Excellency's Message of the 1st of December Instant: Ordered, That Col. Tilghman and Mr. Dorsey do prepare and bring in an Address to his Excellency, in Answer to the said Message.

L. H. J. Liber No. 49 Dec. 3 p. 123 The Bill, entituled, An Act for making Valid the Proceedings of the Session of Assembly lately held at Baltimore-Town, was Read the second Time, and will pass.

The House adjourns til Monday Morning at 9 of the Clock.

Dec. 5

Monday, 5th December, 1757.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday. The Proceedings were Read.

Mr. Dulany, Mr. Carroll, and Mr. Reynolds, appeared in the House.

Mr. Dorsey brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

This House think it their indispensible Duty to lay before you the annexed Report from their Committee of Aggrievances, and Copies of the Depositions therein mentioned; and hope that your Excellency will exert all your Power in Support of the Civil Government of this Province, and of a due Execution of the Laws, according to the Spirit and Intention thereof; without which we have but too much Reason to fear the Liberty and Property of his Majesty's Subjects in this Province will become very precarious and insecure.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Key and Mr. Wilson do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor was pleased to signify he would receive the Address in Half an Hour's Time in the Conference Chamber.

Ordered, That Mr. Lloyd, with Three more, do present the Address to his Excellency.

p. 124 Mr. Key brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to enable the present Inspector of St. Mary's Warehouse, in St. Mary's County, to sell some Transfer Tobacco in the said Warehouse, and for other Purposes therein mentioned; which was Read the first and second Time by an especial Order, and will not pass.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

On Motion, Ordered, That an Address be prepared to his Excellency, setting forth the Matters contained in the Report from the Committee appointed to enquire into the Disbursement of the Monies raised by the several Acts of Assembly for Maintaining the Forces to Guard the Western Frontier of this Province, and into the State and Condition of Fort Frederick, and into the Conduct and Behaviour of the Officers and Soldiers supported in the Pay of this Province; and that Col. Tilghman, Mr. Dorsey, and Mr. Matthew Tilghman, do prepare and bring in such Address. L. H. J. Liber No. 49 Dec. 5

Mr. Dorsey brings in and delivers to Mr. Speaker, an Address to his Excellency, which was Read, Approved, and Ordered to be Ingrossed.

Col. Tilghman brings in and delivers to Mr. Speaker the following Ingrossed Address, viz.[t]

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

As we looked upon the Cultivating the Friendship of the Southern Tribes of Indians, engaging their Assistance against his Majesty's Enemies, and Establishing them in the British Interest, as a Matter of very great Importance, both to the Common Cause, and the immediate Security of our Frontier Inhabitants, we did, in our Bill for his Majesty's Service and our own Security, some Time since offered to the Upper House, direct that the Sum of £2000 should be laid out, by the Agents by that Bill nominated, in such Goods as might be thought most acceptable to those Indians, and that those Goods should be lodged at Frederick-Town in Frederick County, and should p. 125 be Distributed at Fort Frederick to any such Parties of those Indians as might come into this Province, and engage in any Service against the Common Enemy, upon their return from that Service, in such Quantities as your Excellency, or the Governor or Commander in Chief of this Province for the Time being, should judge ample Rewards for their respective Services, and by Order, under Hand, direct and appoint; and we can only express our great Concern, that our good Intentions, in proposing a Measure which in all probability might be so conducive to the Safety of our distressed Frontier People, and to the Establishment of numerous Tribes of Indians in the British Interest, should be rendered ineffectual by the Negative of the Upper House passed upon that Bill.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Lee and Mr. Hanson do acquaint his Excellency, That this House hath prepared an Address to be presented to him, and desired to know when and where he will please to receive it.

L. H. J. Liber No. 49 Dec. 5 They return and acquaint Mr. Speaker, that the Governor was pleased to signify he would receive the Address in a Quarter of an Hour in the Conference Chamber.

Ordered, That Col. Henry, with Three more, do present the Address to his Excellency.

Mr. Williamson is added to the Committee appointed to Tax the Fees which have accrued due to the several Officers of this House, and Others, on the several Petitions complaining of undue Elections.

Mr. Govane brings in and delivers to Mr. Speaker, the following Report, viz.[t]

By the Committee appointed to enquire into the Facts set forth in the Petition of Susanna Risteau, Widow and Administratrix of Talbot Risteau, late of Baltimore County, Deceased. December 5. 1757.

It appears to your Committee, by a Letter from Col. William Young, Deputy Commissary of Baltimore County, that the said Susanna Risteau hath fully Administred and Paid away the Deceased's Personal Estate, and that the same was not sufficient to discharge his just Debts. Your Committee find in October Provincial Court 1755, Judgment was obtained by Sampson Levy, against the said Susanna Risteau, in her Capacity aforesaid, for the Sum of p. 126 £767.18.0 Sterling of which only the Sum of £143.11.1 appears to have been paid by the said Administratrix, and, as your Committee are informed, great part of the said Judgment still remains unsatisfied, as also several other Debts.

Your Committee well know the House mentioned in the said Petition to be in a ruinous Condition, and without a Tenant for some Time past, and that it stands in a Town unlikely to Flourish, or that the Houses therein will ever be more valuable than at this present Time; for which Reasons your Committee conceive the Sale of the said House and Lots according to the Petitioner's Prayer would tend greatly to the Advantage of the Orphan and Heir at Law of the said Talbot Risteau, Deceased. All which is humbly submitted to the Consideration of the Honourable House.

Signed ꝑ Order, Wm. Wilkins, Clerk.

On Reading the said Report, the House Concurs therewith; and Ordered, That Leave be given to the said Susanna Risteau to bring in a Bill according to Prayer.

The House adjourns until 2 of the Clock Afternoon.

Post Meridiem. The House met according to Adjournment.

Mr. B. Mackall, Mr. Tilden, Mr. Earle, and Mr. Waggaman, appeared in the House.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

L. H. J.
Liber No. 49
Dec. 5

To his Excellency Horatio Sharpe, Esquire; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

The Concern we are under for the Distresses of our Frontier People, induces us to lay before you a Report from our Committee appointed to enquire into the Conduct and Behaviour of the Troops which have been Raised and Supported for their Protection, with Copies of the Depositions thereto annexed, from which we are persuaded it will appear to your Excellency, that those Troops have not only neglected to Perform the Service to which they were destined, but have committed many Abuses to the great Disquiet and Oppression of those unhappy People.

We must therefore intreat your Excellency to cause the Laws to be put in Execution against all Persons who have been Guilty of those Neglects and Abuses, and to take such other Measures as may p. 127 most effectually prevent them for the future.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Carroll and Mr. Dent do acquaint his Excellency, That this House hath prepared an Address to be presented him, and desires to know when and where he will please receive it. They return and acquaint Mr. Speaker, that the Governor was pleased to signify, he would be ready to receive the Address in half an Hour's Time in the Conference Chamber.

Ordered, That Mr. James John Mackall, with Three more, do present the Address to his Excellency.

A Petition of sundry Freeholders and Inhabitants of Chester-Town and George-Town, and Others, within the County of Kent, was Read: And

On Motion, the Question was put, Whether the following Question, viz, " That £2000 part of the £3670 now unexpended for the Rewards for Scalps and Prisoners, be appropriated to the Defraying the Expence of Quartering those of his Majesty's Forces that now are, or may be, sent into this Province, to be Quartered this Winter," shall be now put, or Not? Resolved in the Negative.

For the Affirmative,

Key,
Williamson,
Hynson,
Tilden,
Gassaway,
Carroll,
Worthington,
Waggaman,
Edmondson,
Oldham,
Sulivane,
Govane,
Baker,
Dulany,
Woodward,
Murdock,
Harris.
Henry, 18

L. H. J.
Liber No. 49.
Dec. 5

For the Negative,

Plater,
Sothoron,
Hammond,
B. Mackall,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Dent,
Stoddert,
Wilson,
M. Tilghman,
Lecompte,
Cockey Deye,
Owings,
Earle,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
Chapline,
E. Dorsey,
Beatty. 28

Mr. Oldham, Mr. Stoddert, Mr. Sulivane, and Col. Henry, have Leave to go Home.

The House adjourns til the Morrow Morning at 9 of the Clock.

Dec. 6 Tuesday, 6th December, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday except Mr. Olldham. The Proceedings were Read.

Mr. Ward appeared in the House.

On Reading the Second Time, the Bill, entituled, An Act for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, the Question was put, That Amendments be made to the said Bill? Resolved in the Affirmative.

p. 128

For the Affirmative,

Plater,
Sothoron,
Williamson,
Hynson,
Tilden,
Hammond,
Gassaway,
Worthington,
J. J. Mackall,
B. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Dent,
Stoddert,
Wilson,
M. Tilghman,
Edmondson,
Sulivane,
Govane,
Cockey Deye,
Owings,
Earle,
Baker,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
Chapline,
E. Dorsey,
Beatty,
Harris. [38]

For the Negative,

Key,
Carroll,
Waggaman,
Lecompte,
Woodward,
J. Henry. [6]

On Resolution of the aforegoing Question, Ordered, That Proposals for Amendments to the said Bill be drawn up, and that Col. Tilghman, Mr. Hammond, Mr. E. Dorsey, and Mr. Matthew Tilghman, do prepare and bring in the same. L. H. J. Liber No. 49 Dec. 6

The Bill, entituled, An Act for making Valid the Proceedings of the Session of Assembly lately held at Baltimore Town, was sent to the Upper House by Mr. Edmondson and Mr. Thomas Gantt.

The House adjourns until 2 of the Clock Afternoon.

Post Meridiem. The House met according to Adjournment, &c.

Mr. J. Hammond Dorsey appeared in the House.

His Excellency the Governor communicated to Mr. Speaker the following Message, viz.

Gentlemen of the Lower House of Assembly,

In Answer to your Message of Yesterday, wherein you are pleased to say, that you looked upon the Cultivating the Friendship of the Southern Tribes of Indians, engaging their Assistance against his Majesty's Enemies, and Establishing them in the British Interest, as a Matter of very great Importance, both to the Common Cause, and the immediate Security of our Frontier Inhabitants, and that you therefore did, in a Bill for his Majesty's Service and our own Security, some Time since offered to the Upper House, direct, that the Sum of £2000 should be laid out by the Agents by that Bill nominated, in such Goods as might be thought most acceptable to those Indians, I must take the Liberty to remind you, that by an Act of Assembly, which was made at a Session held here in February 1756, entituled, An Act for Granting a Supply of £40000 for his Majesty's Service, the Sum of £3000 was appropriated towards engaging the Assistance, and cultivating the Friendship of the Southern Tribes of Indians, and the Defraying the Expences of the Two Commissioners to be sent from this Province to Treat with the same, in Conjunction with Commissioners from Pennsylvania, Virginia, and North-Carolina, or any of them; and the Sum of £1000 was by the same Act appropriated towards Paying and Satisfying any of the Inhabitants of this Province, or any of our Indian Allies, for the Scalp of every Indian-Enemy, or any Indian Prisoner by them taken or brought in after the Rate of Ten Pounds for each Scalp or Indian Prisoner: That by an Act passed in September 1756, the further Sum of £3000 out of the said £40000 was appropriated towards Paying for Indian Scalps or Prisoners, after the Rate of Fifty Pounds for every Scalp of an Indian Enemy, and for every Live Indian Enemy, which any Inhabitant of this Province (not being in the Pay of this Province as a Soldier) or Indian in Friendship and Alliance with his Majesty's Subjects, shall produce to any Magistrate of this Province; and that by an Act of Assembly passed in April last, that Part of the Act made in February 1756, which p. 129

L. H. J. Liber No. 49 Dec. 6 appropriated the Sum of £3000 towards engaging the Assistance and cultivating the Friendship of the Southern Tribes of Indians, was Repealed, and that Money directed to be applied towards supporting the Troops which had been raised for the more immediate Defence of this Province. I am informed by the Agents, that no more than £229.10 has been yet drawn out of the £4000 which were by the Two abovementioned Acts appropriated towards Rewarding such as should Kill, or take any of our Indian Enemies Prisoners, so that there still remains unexpended the Sum of £3790.10. I must also take the Liberty to inform you, that the honourable Mr. Atkin, whom his Majesty has been graciously pleased by his Commission to appoint his sole Agent and Superintendent of Indian Affairs in p. 130 the Southern District of America, has signified to me, that it is contrary to the Treaties which have been heretofore made with the Cherokee Tribes, and which he is now about to renew with them in his Majesty's Name, and on Behalf of all his Majesty's Subjects, for them to demand or expect any certain Reward for Scalps. You will, I am persuaded, be convinced by the inclosed extract from his Letter, of the Impropriety of the several Colonies giving any fixed Rewards for Scalps: You will likewise see, that he has told the Indians, that they are not to expect any such Rewards; and as they have been assured, that all other Persons, beside himself, are by his Majesty strictly forbidden to concern themselves with them or their Affairs, I must desire you to make such Provision for the Support and Encouragement of the Cherokees that are now on our Frontiers, and for any other Parties that may come hither, out of the Money which has been heretofore appropriated for Scalps, as shall be judged necessary. Whatever Presents are given to them must be delivered to Mr. Atkin, or his Deputy, according to the Regulations that have been established in Virginia, where a large Sum of Money has been Granted for the Use of all our Indian Allies, and left intirely to the Management and Disposition of his Majesty's Agent; and if you are really so fond of having the Assistance of those Southern Indians, as you profess yourselves, I doubt not but you will readily come into the same Measures that the Virginians have done.

6th December, 1757.

Hor.° Sharpe.

6.th Dec.r 1757

Extract from Mr. [Edmund] Atkin's Letter

I find several of our Collonies are become fond of giving large rewards for Scalps. If those Rewards were confined to their own People it would be a very laudable thing inasmuch as it would be the means of Animating many poor white men who have been used to the woods to go in quest of the Enemy Indians and it would afford that support to some of them in particular who have been driven from their own Habitations in the Back Settlements by the war which they are certainly the best entitled to, but as these rewards are intended and offered chiefly to the Indians the case is very different for besides that this is truly and literally interfering (which I have reason to believe the several Governors have been cautioned not to do) with the management of the King's two Superintendents thro' whose hands all Presents and Rewards whatever to the Indians in his Alliance ought to pass, it is encouraging to the utmost private Scalping whereby the most innocent and helpless Persons even Women and Children are properly murdered without the least Benefit accruing by it, Actions becoming only the greatest Savages and unworthy of any Christian People to reward. I am well assured Lord Loudoun detests that Practice and that the French General Moncalm in Canada does the same. S.^r William Johnson gives no reward at all, in particular for Scalps by name. The Warriours fitted out by him to War deliver to him at their return all that they bring back, and he afterwards presents them to the Relations of such as lose their lives in Battle. But to speak upon this Subject on the footing of Interest, large Publick Rewards for Scalps given by Provincial Laws to Indians are attended with very pernicious Consequences to his Majestys Service, for they are so many temptations to some Indians to kill others that are our Friends, that is when they think they have a good opportunity to kill such single Indians that are found alone, two fresh instances of this have presented themselves to me. A Single Chicasaw one of our best Friends was coming up this way with the Cherokees, was killed by them when a Sleep, and a Single Creek in their Company had liked to have shared the same fate, As no cause of Quarrel is pretended the motive could only be their Scalps. Those Cherokees carried the Chicasaws scalp with them out to War towards Fort Du Quesne and brought it back again, and it is now hanging exposed in Publick before my eyes made into two Scalps among the Scalps of their Enemies tho' they know not that I know it. The Wife of the Chicasaw who made her escape was sent by water from Williamsburgh to Charles Town to be kept there till my arrival in Order to prevent the ill Consequences of the Revenge she was bent upon exciting not only among the Chicasaws, but among their Friends the Catawbaes and I detain the Creek in this Country by Art to prevent the like ill Consequences of the Revenge he might excite in the Creek Nation, From so slight a Foundation a War might be kindled between four Nations of Indians at present in Friendship with us which it is our greatest Interest to preserve in friendship also with each other. A Meherrin Indian a very clever fellow who lives at the Tuskeraro Town in North Carolina is now here, I have discovered that the Cherokees have fixed their Eyes on him and determined to kill him for his Scalp so that I am obliged to take measures to have him guarded safe home, Should he be killed there would be another National Quarrel with the Tuskeroras.

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I think what I have said sufficiently proves the pernicious Consequences to his Majesty's Service (wherein the general Interest of the Colonies is included) following from large rewards for Scalps given by Provincial Laws to the Indians and those rewards open a Door to great fraud and Imposition upon the Colonies or the Donors themselves, for the Cherokees in particular have got the Art of making four Scalps out of one Man killed, here are now twenty Scalps hanging out to Publick View which are well known to have made out of five Frenchmen killed what a sum (at £50 each) would they produce if carried to Maryland where the Artifice probably would not be discovered. For these Reasons I have declared to the Indians I have met here, that I do not buy Scalps, they may keep them according to their own Custom as Marks of Honour and that I purpose Always to reward those I employ in proportion to their Services (whereof I am to be the judge) without regard to the Number of Scalps, for that many an Indian may deserve a reward without killing an Enemy, or if he does kill any he may not be able to produce the Scalps which is often the case. The Principal Cherokee Warrior now in these parts said, this was right, it was the best way of acting and he was much pleased with it.

Which Message, and Extract, were severally Read, and Ordered to lie on the Table.

The House adjourns til the Morrow Morning at 9 of the Clock.

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Wednesday, 7th December, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Col. Henry, Mr. Stoddert and Mr. Sulivane. The Proceedings were Read.

Capt. Gassaway brings in and delivers to Mr. Speaker, the following Report, viz.[t]

December 7. 1757.

By the Committee appointed by the Lower House of Assembly, to Tax the Fees and Allowances to the Officers of the House, and several other Persons attending as Evidences, on the Disputed Elections, of the City of Annapolis, and the several Counties hereafter Named:

Have thought it Reasonable to Rate the said Fees and Allowances, in the following Manner; That is to say,

For the City of Annapolis, on the Petition of Henry Woodward:

To the Clerk, for issuing 8 Subpœnas, ...	£ 1	4	0
To Copy of Henry Woodward's Petition for Dr. Steuart,	0	4	0
To the Serjeant for Serving 6 Subpœnas, ...	0	18	0
To Ditto for Non est against Dorothy Elton, ...	0	1	0
	£ 2	7	0

For St. Mary's County, on the Petition of sundry the Inhabitants thereof:

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To the Clerk, for Issuing 10 Subpœnas, ...	£ 1	10	0
To the Serjeant for Serving 9 Subpœnas, ...	1	7	0
To Ditto, Non est, David Downey, ...	0	1	0
To Timothy Barnhouse, for 2 Days Attendance as an Evidence, and 4 Days itinerant Charges, ...	1	4	0
To Dr. Bates, for ditto, ...	1	4	0
To Archibald Ingram, for ditto, ...	1	4	0
To Zachariah Bond, (Son Will.) for ditto, ...	1	4	0
To Thomas Vowles, for ditto, ...	1	4	0
To Robert Harrison, (Sub-Sher.) for ditto, ...	1	4	0
To Robert Chesley, for ditto, ...	1	4	0
To Thomas Reeder, for ditto, ...	1	4	0
To the Serjeant for a Messenger to carry the above Summons to St. Mary's County, ...	1	0	0
	£13	10	0

[The second and third lines from the end in the above report were erased in the original manuscript and the total changed to £11—2—0]

For Kent County, on the Petition of Richard Gresham, Thomas Smith, Hugh Wallis, and James Ringgold:

To the Clerk for Issuing 17 Subpœnas, ...	£ 2	11	0	
To the Serjeant, for Serving 15 Subpœnas, ...	2	5	0	p. 134
To Ditto, Non est, John Day, and John March, ...	0	2	0	
To Col. Richard Lloyd for 1 Days Attendance as an Evidence, and 4 Days itinerant Charges, (Boat Hire Included), ...	1	15	0	
To Thomas Ringgold, for ditto, ...	1	15	0	
To Marmaduke Tilden for ditto, ...	1	15	0	
To Ralph Page, for ditto, ...	1	15	0	
To James Smith, Clerk, for ditto, ...	1	15	0	
To Thomas Garnett, for ditto, ...	1	15	0	
To Stephen Bordley, for ditto, ...	1	15	0	
To Thomas Medford, for ditto, ...	1	15	0	
To Robert Buchanan, for ditto, ...	1	15	0	
To James Porter, for ditto, ...	1	15	0	
To the Serjeant for a Deputy to Kent County, to Serve the above Summons, ...	2	0	0	
	£24	8	0	

L. H. J. Liber No. 49 Dec. 7 For Baltimore County, on Petition of sundry the Inhabitants thereof:

To the Clerk, for Issuing 14 Subpœnas, at 3s each,	£ 2	2	0
To the Serjeant for Serving 12 Subpœnas, at 3s. each,	1	16	0
To Ditto for Non est, Harry Stevenson,	0	1	0
To Ditto, for Non est, Dominick Buckler Patridge,	0	1	0
To Beale Bordley, 1 Days Attendance as an Evidence, and 2 Days itinerant Charges,	0	12	0
To George Bell, for ditto,	0	12	0
To Richard Hopkins, for ditto,	0	12	0
To Edward Stevenson, for ditto,	0	12	0
To William Bond, for ditto,	0	12	0
To William Simms, for ditto,	0	12	0
To John Sligh, for ditto,	0	12	0
To Henry Myers, for ditto,	0	12	0
To the Serjeant for a Deputy to Baltimore County, to Serve the above Summons,	2	0	0
	£10	16	0

All which is humbly submitted to the Consideration of the Honourable House, by

John Gassaway,
Wm. Hynson,
Alexander Williamson.

Which Report was Read, and Ordered to lie on the Table.

p. 135 The Ingrossed Bill, entituled, An Act to prohibit raising of Swine and Geese in Frederick Town in Frederick County, was sent to the Upper House, with the Paper Bill, by Mr. Reynolds and Mr. Tilden.

Col. Tasker, from the Upper House delivers to Mr. Speaker, the Bill entituled, An Act for suppressing Plumb-Point Warehouse in Calvert County; indorsed, " By the Upper House of Assembly, 16.th Nov.r 1757. Read the first Time and Ordered to lie on the Table." And thus " By the Upper House of Assembly, December 7, 1757, Read the Second Time, and will Pass.

Signed ꝑ Order, J. Ross, Cl Up Ho."

Which Bill was Read here, and Passed for Ingrossing.

Mr. Govane brings in and delivers to Mr. Speaker, a Bill entituled, An Act to impower Susanna Risteau, Widow and Administratrix of Talbot Risteau, late of Baltimore County, Deceased, to Sell the House and Lands therein mentioned, for the Payment of the Debts of the said Talbot Risteau; which was Read the First and Second Time, by an especial Order, and will Pass, and was sent to the Upper House by Mr. Govane and Mr. John Hammond Dorsey.

Benedict Calvert, Esquire from the Upper House, delivers to Mr. Speaker, a Petition of the Inhabitants of Frederick County, Indorsed, "By the Upper House of Assembly, 7th December, 1757, Read and Referred to the Consideration of the Lower House of Assembly:" L. H. J. Liber No. 49 Dec. 7

Which Petition was here Read, and Ordered to lie on the Table.

Samuel Chamberlaine, Esq;r from the Upper House, delivers to Mr. Speaker the Bill, entituled, An additional supplementary Act to the Act for raising Money for the Expedition against Canada, &c. Indorsed, "By the Upper House of Assembly 2 Decem.r 1757. Read the first time and Ordered to lie on the Table" and thus "By the Upper House of Assembly, Decem. 7,th 1757, Read the Second Time, and will Pass, with the following Amendments: In the first Line of the 3d Page, after the Word Training, insert of the Militia. In the 7th Line of the 6th Page, after the Word any, put part of such. In the 9th Line of the same Page, after the Word that, insert any part of.

Signed ꝑ Order, J. Ross, Cl Up Ho."

Which Amendments being here Read, were agreed to, and the said Bill was indorsed, "Read, and, with the Amendments proposed, passed for Ingrossing." p. 136

The House adjourns until 2 of the Clock Afternoon.

Post Meridiem. The House met according to Adjournment &c.

Philip Hammond, Esq; and Mr. Lecompte, have Leave to go home.

His Excellency communicated to Mr. Speaker the following Message, viz.t

Gentlemen of the Lower House of Assembly,

The inclosed Letter, will in Part shew you, what Measures have been taken, to put it out of mine and all the King's Officers Power, to supply the Troops at Fort Cumberland with Provisions, and to compel the Garrison to abandon that Place, together with it's Artillery and Stores, to his Majesty's Enemies. I perceive that a Member of your House (not with you Approbation I hope) has been remarkably Busy, in suggesting to the People, that they cannot be compelled to serve his Majesty with their Waggons on this occasion; and I learn, that every Artifice has been used to incite them to Sedition. It gives me inexpressible concern, to find, that Matters have been already carried to such a prodigious length; I have ever used my utmost Endeavours to avert the Evils that more immediately threatened the Inhabitants of that Frontier County, and am Resolved to Serve them on all Occasions to the utmost of my Power; but this ill-advised Step of theirs, lays me under great Difficulties, and will, in it's Consequences, bring certain Ruin upon them, unless you will be prevailed on to assist me in taking proper Measures to prevent it. His Majesty's Fort in the Westermost Part of this Province, must not be given up to the Enemy, tho' you may have Resolved (as Col. Cresap tells the People) that the Maryland Forces shall be withdrawn. If the People, whose Waggons have been Demanded by the

L. H. J. Liber No. 49 Dec. 7 p. 137 Press-Masters, do continue to detain them after the manner they have hitherto done, I shall be under a necessity of sending the Earl of Loudoun, and the Officer who is appointed under his Lordship to Command the Forces that have been Raised and Supported for the Defence of this and the Two neighbouring Colonies, an Account of what has happened: What Steps they may thereupon think proper to take, I know not; but as this appears to me to be a Matter of the greatest Importance, I intreat you to consider it very seriously, and to proceed in such a Manner, as that neither your Constituents, nor your own Consciences, may hereafter condemn your Conduct.

7th December, 1757. Hor.° Sharpe.

Frederick County December 2.d 1757

Sir.

As we have had wretched luck in getting waggons for Carrying a Supply of Provisions to Fort Cumberland I shall give your Excellency a short Sketch of what passed every day; that some method may be fallen on for the time to come to avoid the delays and obstacles we have now met with.

On Wednesday the 23d November I received your Instructions in a Packet containing a Letter for Mr. Dixon the Sheriff and another for Mr. John Darnall I got late that Evening to Frederick Town but next Morning I applied to Mr. Dixon for his Assistance and Interest in procuring the Waggons, he told me he was afraid nothing could be done without a Press Master and that the Press Master who was appointed on this side the mountains, was gone to Lancaster, but we imagined the Waggoners might be prevailed on, but in this We were disappointed.

On Fryday Morning the 25th I sent Serjeant Barnes (who happened to be in Town) up to Van Swearingen Senr. the other Press Master who lives near the mouth of Conigocheigh but I heard nothing from him till late on Sunday night when he sent his Son Van along with a party of 28 men under Lieutenant Stoddert which Capt. Joshua Beall had sent from the Fort to Escort the waggons; On Fryday Afternoon Mr. Darnall came to Town and endeavoured to prevail on the People to furnish the Waggons which was wanted and drew up a petition to the Assembly for the People to sign Representing the hardships the People who furnished Waggons would suffer if they were only paid agreeable to the act of Assembly passed last May, but all Fryday Saturday and Sunday were spent in fruitless Entreaties without the least prospect of procuring One Waggon. p. 138

As it was late on Sunday Night before the Party came to Town nothin could be done that Evening and the most of the People who lived in Town employed themselves (as we afterwards understood) in Secreting their Waggons and Horses.

So that early on Monday Morning we could only find John Shellman's Waggon and a Guard was set over his Stable Door We afterwards met with George Purgetts Waggon in Town and at his request it was sent to Jos. Hardman that care might be taken of his Horses. That morning Shellman pulled his Waggon to pieces and in the night pulled down some Pailing behind his Stable and carried off the horses. George Purgett also fell on methods with the Assistance of the Towns People to carry off his Waggon and Horses. L. H. J. Liber No. 49 Dec. 7

A party under a Serjeant had gone over Manococy with the Press Master and they brought in two waggons tho' they had pressed seven or eight more, but they left them on the positive promise of the Owners to bring them to Town next day by twelve, but the people were so averse to the Service that one of the Waggoners belonging to the two they brought in cut out out his horses in the middle of Manococy River and rid off with them tho a Soldier in the waggons (as I afterwards learnt) had fired with a design to frighten him from cutting out his horses so they came in with two Waggons and only two Horses to each.

But before these two Waggons were brought in, some of the leading Dutch, Shellman, Bruner and others agreed to get the farmers together and that they should furnish the Quantity wanted and they seemed pretty well satisfied as George Ross had given under his hand to pay for the Carriage as soon as the Service was done. p. 139

That night Col.° Cresap came to town but I did not see him till the Morning. He came to me which soon drew several people about us. He insisted that he could see no Reason for pressing waggons for there was an Act of Assembly for carrying the Waggons out of the Province, that they ought to make Roads on the Maryland side and that the waggons could cross over at the Mouth of Siddling Hill, but the Gut beyond Town Creek would be frozen up and that they could not pass, that the Articles of War directed they should receive part of their pay down, and be paid every night and that they could not by the Articles of War be pressed for more than one days Journey, I asked him how we were to be Supplied with Waggons in the back Country after the first days Journey, he said they might be again pressed. He said the people had been very Ill used for what they had done, they had gone to the Agents for pay, they had sent them to the Assembly and that they had sent them to the Governor; and they had yet got no Satisfaction, that the Commissary ought to have paid them and if it was left to the Assembly they would not be paid for what they had done, or might do, perhaps this Seven years, as there was no certainty when the Journal would pass many more things of this sort passed from the Col.° which the People greedily listened to, and which it was in vain for me to attempt answering, I only asked how it was possible for me to obey my Orders to supply Fort Cumberland, he said they could go with Horses and

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Bags which would be easier to the people for they could go up of the Maryland Side, and that I ought to write to the Governor about it and that I might make use of his name as an Excuse for the delay, and for giving such advice. Things were carried on in this manner all Tuesday and we had only got three Waggons & eight Horses: and as I saw no prospects of getting more and understood from Capt. Ransburgh and from M.r Dixon and others that the People were got under Arms to release the Waggons, I designed to have sent them away in the Night & had them put into the yard for that purpose, the owners and others insisted with great uproar that they should be Appraised which accordingly was done by Capt. Stephen Runsburgh and Mr. John Kimball but the People continued still Clamorous and insisted on my paying according to Valuation or giving Security they should be returned with good Order and with many threats declared no waggons should be carried out of Town, and even the Women came and stood by the Horses with long knives to prevent the Soldiers coming near them. p. 140

Afterwards Capt. Runsburgh told me it would be impossible to carry the waggons off for there was a large Body of Armed Men who would release them, that he had got two Guns and his Pistols loaded and that he had left Orders that no Waggon nor Horses should be pressed from him, But persuaded me to accept of Col.° Cresaps proposal to send the Provisions by Horses and Baggs and that if I would accept of that way he, Hardman, Knave, Tofler and others who were present would engage to get a sufficient number of Horses and Bags the next day, and M.r Dixon seemed to think it would be the only way to get the Service done, and as these People had great Interest among the Dutch he thought I might depend on their promise and release the three Waggons and eight Horses which at last with much difficulty I agreed to.

Col.° Cresap went away on Wednesday morning and I sent up the Party to get the Waggons ready, who were to meet at the Mouth of Conegocheigh, and to wait for the Horses and bags who were to go from Frederick Town and the Col.° promised me to get what he could so as we might make up 100 or 150 Horses and bags to go from thence, I have not heard how far he executed his promise I only wish for the sake of the men who are in great want at Fort Cumberland that a greater regard may be paid to promises that I found at Frederick Town, for betwixt two and three on Wednesday afternoon Capt. Runsburgh and some others came to Town and told me they had been out since six that morning and they could not get one Horse and that the people were all under Arms and bid them tell me they would neither Obey the Governor nor any Body else and that they would sooner loose their lives than go on any such Service unless the Governor would appoint one in Town to pay them.

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As I found nothing more could be done about Frederick Town I left it after sending an Express to the Mouth of Conegochiegh directing the party to proceed to Fort Frederick with the Waggons and Horses thay had got, but I am afraid they will meet also with great Difficulties in carrying any from thence as the example of those below joined with the Obstacles which are thrown in the way by designing People will have a very ill Effect and I am very uneasy at the situation of the Troops at Fort Cumberland, for tho' we have had a good deal of Rain about Frederick Town I learnt from several people that the River had not risen an Inch, and so they can have no Supplies that way.

Its in vain to expect any Assistance from the Posse in pressing Waggons, and after failing in this last attempt it will require a Strong Armed force to gett any number, and more than I imagine can be spared from Fort Frederick tho' very little would be requisite, if the rates the people ought to have ꝑ day were settled by the Legislature, for whenever there is Occasion to impress Waggons no Allowance by the Lead, or the Mile will be satisfactory to the Owners; as a great deal of time is lost to the Waggons who are first impressed before the quantity wanted can be got together, and many delays will afterwards unavoidably be occasioned by Accidents on the Roads above Fort Frederick, as the breaking of but one Waggon or the loss of a few Horses must prevent the March of the whole party till everything can be got in Order to enable them to move together.

I beg leave to Conclude with assuring you, that on Enquiry you will find I have only Represented some of the most material Circumstances in this unsuccessful Affair, and that

I am your Excellency's
most humb. & Obed.t Serv.t

To Horatio Sharpe Esq.r
Alex.r Beall

Which Message, and Letter, were severally Read, and Ordered to lie on the Table.

His Excellency communicated to Mr. Speaker the following Message, viz.t

Gentlemen of the Lower House of Assembly,

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I have perused the several Papers that were Presented to me, together with your first Address of the 5th Instant, viz.t A Copy of the Affirmation of Benjamin Richardson, and Copies of the Depositions of Daniel Meconekin, Edward Seares, Thomas Hill, David Macklefish, William Hall, Ephraim Howard, Ezekiel Cheney, and Jeremiah Cheney: The Complaint of the Two First I find against Two Soldiers or Soldier-like Men, called Smith and Lake, for beating and endeavouring to carry off by Violence one Griffith, who they pretended to have Enlisted about Eight Months ago, and for threat-

L. H. J. Liber No. 49 Dec. 7 ening and abusing the said Richardson and Meconekin. By these Gentlemens own Account it appears, I think, that upon Smith's refusing to go with them before a Justice of the Peace, and presenting a Gun at Mr. Richardson, he the said Richardson took it away from him, that a Scuffle ensued, but that in the End they released or rescued Griffith, and then went and informed some Magistrate or other of what they had done; what became of Lake and Smith they know not, but have heard that Smith was a Waiter on one Mr. M^c^Carty, an Officer, and who Mr. M^c^Carty is, or where he is to be met with, they do not say; and I cannot learn, neither can I guess, what you would have me do in this Affair. The Two Soldier-like Men may, for aught I know, have been much to blame; but if the Complainants were really of that Opinion, I wonder they did not, when they found themselves able, carry the supposed Offenders before a Magistrate, who would, no doubt, have punished them according to their Deserts; but if, on the contrary, Smith and Lake should return again to this Province, and make it appear that Griffith was fairly Enlisted, I am apt to think, that Mr. Richardson and the Deponent will not find it any easy Matter to justify their Conduct.

By the Depositions of Macclefish, Seares, Hill, Mr. William Hall, and Mr. Ephraim Howard, one Thomas Beall, a young Fellow of p. 143 Prince-George's County (who was impowered by me to Enlist Men for his Majesty's Service, in Consequence of several Acts of Assembly lately made in this Province) is accused of having pretended to Enlist the said Seares, Hill, and Macclefish, of treating them afterwards as Deserters, of compelling Seares to pay £10 for a Discharge, which he could not give, and of endeavouring to oblige the other Two to purchase their Discharges likewise: Mr. Beall is not present to hear what is alledged against him; and tho' his Transactions, as in the Depositions stated, have not the best Appearance, yet I don't think it would be right to condemn him unheard; he is no Officer that I know of, neither is he in the least dependent on me; and if the Complainants can prove that he has acted illegally, I hope they may redress themselves without applying to any Branch of the Legislature; but if it should, on farther Enquiry, appear that they were duly Enlisted, you will not, I am persuaded, take it amiss if they are apprehended and delivered up to one of his Majesty's Officers.

With regard to the Complaint of Ezekiel and Jeremiah Cheney, whose articled and indented Servants are said to have run away from them, and to have Enlisted into our Provincial Forces, I can only say, that if the Case is as they represent it, and they have a Right to Satisfaction for their Servants, the Law will give them Relief, if they will be pleased to take the proper Steps to obtain it: And upon the Whole, I cannot help saying, that if these are all the Complaints that your Constituents have any Reason to make against Recruiting

L. H. J. Liber No. 49 Dec. 7

Parties, I am persuaded that no People on the Continent have suffered so little from them as his Majesty's good Subjects, the Inhabitants of this Province.

What was the Opinion of your Committee upon the several Facts that are mentioned in the Depositions and Affirmations, whereof you sent me Copies, or whether we shall agree thereupon, I know not, as their Report was not delivered, notwithstanding it is said in your Address that it was thereunto annexed.

Hor.° Sharpe.

7th December, 1757.

Which Message was Read, and Ordered to lie on the Table.

The House adjourns til the Morrow Morning at 9 of the Clock.

Thursday, 8th December, 1757. Dec. 8

The House met according to adjournment: The Members were called, and all appeared as Yesterday, except Philip Hammond, Esq; The Proceedings were Read. p. 144

Upon considering his Excellency's Message of the 6th Instant, the Question was put, Whether the Appropriation of the Money, granted for Scalps and Prisoners, shall be altered, or Not? Resolved in the Negative.

For the Affirmative,

Sothoron,
Key,
Williamson,
Hynson,
Tilden,
Worthington,
Waggaman,
Wilson,
Edmondson,
Govane,
J. H. Dorsey,
Baker,
Ward,
Dulany,
Woodward,
Murdock,
Harris. [17]

For the Negative,

Plater,
Gassaway,
Carroll,
B. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Dent,
M. Tilghman,
Cockey Deye,
Owings,
Earle,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
Chapline,
E. Dorsey,
Beatty. [24]

On Motion, That an Address be prepared to his Excellency, in Answer to his Message of the 6th Instant: Ordered, That Mr. Lloyd, Mr. Murdock, Mr. Bracco, Mr. Key, and Mr. Plater, do prepare and bring in such Address.

L. H. J. Liber No. 49 Dec. 8

On Motion, That a Message be prepared to be sent to the Upper House, requesting them to join in a Conference with this House: Ordered, That Col. Tilghman, Mr. Matthew Tilghman, Mr. Edward Dorsey, Mr. Dulany, and Mr. Williamson, do prepare and bring in such Message.

On Considering his Excellency's Message of the 7th Instant, which inclosed Capt. Alexander Beall's Letter; Ordered, That Col. Tilghman, Mr. Edward Dorsey, Mr. Matthew Tilghman, Mr. Carroll, and Mr. Dulany, do prepare and bring in an Address to his Excellency, in Answer to the said Message.

The House adjourns till 2 of the Clock Afternoon.

Post Meridiem. The House met according to Adjournment, &c.

Mr. Benjamin Mackall brings in and delivers to Mr. Speaker, an Ingrossed Bill, entituled, An Act for suppressing Plumb-Point Warehouse in Calvert County; which was Read and Assented to.

The following Message, viz.^{t}

p. 145 By the Lower House of Assembly, 8th December, 1757.

May it please your Honours,

It having been represented to this House, that an Act of Parliament passed in the Thirtieth Year of his present Majesty, prohibiting for a limited Time the Exportation of Grain from these Colonies to any Neutral Port, has already, and must hereafter be greatly prejudicial to the good People of this Province, by Means of the severe Restrictions thereby laid on the Trade and Commerce thereof, we propose to send a Petition to his most Gracious Majesty, or a Representation to the Lords Commissioners for Trade and Plantations, as may be thought most proper, in order to procure those Restrictions to be taken off; and presuming your Honours may be desirous to join us therein, have named Col. Tilghman, Mr. Matthew Tilghman, Mr. Lloyd, Mr. Edward Dorsey, Mr. Carroll, and Mr. Dulany, to confer with such Members of your House, as your Honours may think fit to appoint on the Draft thereof.

Signed ℘ Order, M. Macnemara, Cl Lo Ho

Was sent to the Upper House by Mr. Matthew Tilghman and Mr. Carroll.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, the following Message, viz.^{t}

By the Upper House of Assembly, 8th December, 1757.

Gentlemen,

We are willing to join in a Petition to his Majesty, or a Representation to the Lords of Trade, to take off the Restraint laid on the several Colonies for the Exportation of Grain to any Neutral Port, as proposed in your Message of this Day; and have named Col. Lloyd and Col. Tasker to join the Gentlemen appointed by your House for that Purpose. L. H. J. Liber No. 49 Dec. 8

Signed ꝑ Order, J. Ross, Cl Up Ho

The Bill, entituled, An Act for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, was Read the second Time, and will pass with the following Amendments, viz.t

By the Lower House of Assembly, 8th December, 1757.

Amendments proposed by the Lower House of Assembly to the Bill, entituled, An Act for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly. p. 146

In the Title of the Bill, after the Word Allowances, in the first Line, leave out the Words of the Members of the Upper and Lower Houses of Assembly; and instead thereof, insert the following Words of the Councillors, Deputies, and Delegates, that shall serve in the General Assembly, and of the Commissioners of the Provincial and County Courts of this Province, and for procuring the Independency of the said Deputies and Delegates.

After the Word thereof, in the third Line, leave out to the End of the Preamble.

In the first Page, leave out the first Enacting Clause; and instead thereof, insert the following Clauses.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That there shall be allowed to each Councillor, for each Day he shall serve and attend in the Upper House, from and after the End of this Session, for and during the Term of Four Years, then next following, besides the usual Allowance for itinerant Charges, the Sum of Seventy-five Pounds of Tobacco, and no more; and that each Delegate and Deputy, for each Day he shall serve and attend in the Lower House of Assembly, from and after the End of this Session, for and during the Term of Four Years, then next following, besides the usual Allowance for itinerant Charges, the Sum of Seventy Pounds of Tobacco, and no more; and to each Commissioner of the Provincial Court, for each Day he shall sit and attend such Court, from and after the End of this Session of Assembly, for and during the Term of Four Years, then next following, besides the usual Allowance for itinerant Charges, the Sum of Seventy Pounds of Tobacco, and no more; and to each Commissioner of the respective County Courts, for each Day he shall sit and attend p. 147 such Court, from and after the End of this Session of Assembly, for and during the Term of Four Years, then next following, the Sum of Seventy Pounds of Tobacco, and no more.

And whereas the Community would be greatly benefited, if the Members by the preservation of the Independence of the Lower

House of Assembly of this Province were independent, and not under the Influence of the Lord Proprietary or the Government: Be it therefore Enacted, by the Authority aforesaid, That no Person, who shall have in his own Name, or in the Name of any Person or Persons in Trust for him, or for his Benefit, any Office or Place of Profit whatsoever, under the said Lord Proprietary or the Government, or any Person having a Pension, Gratuity or Reward, from the said Lord Proprietary or the Government, shall, at any Time within Four Years after the End of this Session of Assembly, be capable of being elected or chosen a Member, or of sitting or voting as a Member of this present, or any future, Lower House of Assembly.

And be it further Enacted, by the Authority aforesaid, That if any Person who shall have or hold any Office or Place of Profit, or Pension, Gratuity or Reward, as aforesaid, at any Time within Four Years from the End of this Session of Assembly, shall presume to sit or vote in the said Lower House of Assembly, then and in such Case he shall forfeit and pay the Sum of One Hundred Pounds Current Money, for every Day which he shall so sit or vote in the said Lower House of Assembly; one Half thereof to the Use of the Free-School of the City of Annapolis, and the other Half to him, her or them, that will sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, in which no Essoin, Privilege, Protection, or Wager of Law, shall be allowed, and only one Imparlance.

And be it further Enacted, That no Person within Six Years after he shall have ceased to be a Member of the Lower House of Assembly, shall, in his own Name, or in the Name or Names of any Person or Persons in Trust for him, or for his Benefit, hold or enjoy any Office or Place of Profit whatsoever, under the said Lord Proprietary or the Government, or have or receive any Pension, Gratuity or Reward, from the said Lord Proprietary or the Government.

p. 148 And be it further Enacted, That if any Person within Six Years after he shall decline or cease to be a Member of the Lower House of Assembly, shall either in his own Name, or in the Name or Names of any other Person or Persons in Trust for him, or for his Benefit, hold or enjoy any Office or Place of Profit, or receive any Pension, Gratuity or Reward whatsoever, from or under the said Lord Proprietary or the Government, he shall forfeit the Sum of One Thousand Pounds Current Money; to be recovered and applied as aforesaid.

And be it further Enacted, That if any Person having or holding any such Office, Place of Profit, or Pension, Gratuity or Reward, shall at any Time, within Four Years from the End of this Session of Assembly, be a Member of the Lower House of Assembly, his Election shall be, and is hereby declared to be void, and a new Writ shall issue for a new Election, as if the Person holding such Office, Place of Profit, Pension, Gratuity or Reward, was naturally dead. L. H. J. Liber No. 49 Dec. 8

And be it further Enacted, That it shall not be lawful for any Person, during the Time he shall be a Member of the Lower House of Assembly, to ask, require, sollicit for, or any Ways endeavour to procure, any Office or Place of Profit, or Pension, Gratuity or Reward, from the said Lord Proprietary or the Government, for any Relation, Friend, or other Person whatever, under the Penalty of One Thousand Pounds Current Money; to be recovered and applied as aforesaid.

Provided always, and it is hereby Enacted, That no Person, who now is, or hereafter shall be, appointed a Justice of the Peace for any County within this Province, by any Commission of the Peace, shall for and by Reason of such Commission only, or the Execution of any such Commission, or any Thing relating thereto, be disabled from being elected a Member of the Lower House of Assembly, or sitting and voting as a Member thereof; any Thing in this Act to the contrary notwithstanding.

And whereas it is reasonable that the said Councillors and Delegates, and the said Commissioners of the Provincial Courts, should be paid annually for their Attendance on the Public Service: Be it therefore Enacted, That the Clerks of each House of Assembly, shall, at every Session which shall hereafter happen, lay before the Committee of Accounts, when thereto required, an Account of the Number of Days which each Member of their respective House has p. 149 attended as a Member thereof during such Session; and the Clerk of the Provincial Court shall also at every Session, lay before the said Committee an Account of the Number of Days each Justice of the said Court has attended thereon; and the said Committee, together with so many Members of the Upper House, not exceeding Two, as the said House shall think fit to appoint, shall be, and are hereby appointed, a Committee to meet at the City of Annapolis, on the second Monday in October yearly, then and there to assess and apportion such Sums of Tobacco as shall appear, by the Returns of the said Clerks, to be due to the Councillors, Delegates, and Commissioners aforesaid, together with the Sheriffs Salary for Collection thereof, by even and equal Portions, on the taxable Inhabitants of this Province, according to the Account of the Lists thereof to be returned for each Year; and particularly to order and direct how much thereof shall be levied and collected by the Sheriff of each respective County, and to what Person or Persons the said Sheriff shall pay the same; and after the same is so assessed and apportioned, the said Committee shall forthwith deliver to the Sheriff of Anne-Arundel County, a fair List or Account thereof for each County, indorsed for his Lordship's Service, and directed to the Sheriffs of the several Counties respectively, who are hereby obliged to demand,

L. H. J. Liber No. 49 Dec. 8 collect, levy and pay, the several Sums of Tobacco therein mentioned, by Way of Execution, in the same Manner that County Levies are usually by Law to be demanded, collected, levied and paid; and shall pay the same to the several Persons therein named.

Provided always, and be it Enacted, That the said Committee shall, in every such List, direct and appoint that the Allowances to the said Delegates shall be levied and paid to each Delegate in the County where he resides, and not elsewhere, unless the Amount of the Sum to be levied on the several Taxables in any County should not be sufficient for that Purpose; in which Case the said Committee shall direct that the Delegates for such County shall be paid the Remainder of their Allowance in some one of the next adjacent Counties.

Provided always, and be it further Enacted, That from and after p. 150 the End of this Session of Assembly, for and during the Term and Time of Four Years, all such Councillors who shall serve in the General Assembly, and also all such Provincial Magistrates, who are or shall be Inhabitants and Residents of the City of Annapolis, or whose Habitations are so near the said City that they shall usually, in Assembly or Provincial Court Time, lodge at Home, shall be allowed only one Half the Sum that others are to be allowed under this Act.

Between the Words Assembly and during, in the second Line of the second Page, insert the following Words and Commissioners of the Provincial and County Courts.

Between the Words Assembly and be, in the Third Line of the same Page, insert the following Words, and Courts. In the Third Line of the same Page, strike out from the Word Repealed to the End, and insert the following Words from and after the End of this Session of Assembly, for and during the Term of Four Years, and no longer.

Signed ꝑ Order, M. Macnemara, Cl Lo Ho

Which said Bill (with the Amendments proposed thereto) was sent to the Upper House by Mr. Benjamin Mackall and Mr. Tilden.

Col. Lloyd, from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act for Billetting and Quartering his Majesty's Forces within this Province; Indorsed, "By the Upper House of Assembly, December 7, 1757. Read the first time and Ordered to lie on the Table."

Signed ꝑ order J Ross Cl Up Ho

And thus "By the Upper House of Assembly 7th December, 1757. Read the Second time by an especial Order and will pass."

Signed ꝑ Order, J. Ross, Cl Up Ho

Which Bill was Read here, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 9 of the Clock.

Friday, 9th December, 1757. L. H. J. Liber No. 49 Dec. 9

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Lecompte. The Proceedings were Read.

Mr. Waggaman hath Leave to go home.

Col.° Hammond from the Upper House delivers to M.r Speaker the Bill Entituled An Act to Impower Susanna Risteau Widow and Administratrix of Talbot Risteau late of Baltimore County deceased to sell the House and Lands therein mentioned for the payment of the debts of the said Talbot Risteau p. 151

Indorsed By the Upper House of Assembly. 7.th Decem.r 1757.

Read the first time and Ordered to lye on the Table.
and thus By the Upper House of Assembly. 9.th Decem.r 1757.

Read the second time and will pass—the following Clause being added thereto. Saving to his most Sacred Majesty his heirs and Sucessors the Right Honourable the Lord Proprietary his heirs and Successors and all Body's Politick and Corporate and all others not mentioned in this Act their several and respective Rights.

Signed ꝑ Order. J Ross Cl Up Ho.

Which Bill was Read here and with the Amendments proposed passed for Ingrossing.

M.r James John Mackall from the Committee appointed to inspect the Arms and Ammunition and Accounts relating thereto brings in & delivers to M.r Speaker the following Report Viz.t

By the Committee appointed by the Honourable the House of Delegates to inspect the Arms and Ammunition and Accounts relating thereto.

November 1.st 1757.

Your Committee haveing Inspected the Arms and Ammunition in the City of Annapolis do find that there is in the possession of the Armourer the following Arms and Ammunition to wit

In the Council Chamber

70. Bright hilted Swords. 2 Drums and Sticks 42 pistles and Halberts 25. Slings with Buckets. 67 Slings without Buckets 20. good Trumpets 16. Daggers and 50 Sword Blades.

Over the Council Chamber.

4 new Drums and Sticks 1 Old Drum 12 Bust Slings, 4 neat Leather Slings 7 new Cartouch Boxes 25 Old Cartouch Boxes 16 pair of Old Drum Sticks.

In the Room over the Conference Chamber.

22. Bayonets. 30. bright hilted Swords 8 ditto with Belts 1 Brass hilted Sword 130 good Black Hilted Swords 4 Broken Ditto 87 Pistols 44 P.r of Holsters 8 P.r of Pistols with Holsters out of p. 152

L. H. J. Liber No. 49 Dec. 9 Repair one other Pistol out of repair 16 Cutlasses 2 new Carbines with Bayonets 74 Muskets not fitt for use 8 Musketts with 3 Slings fitt for Service 10 new Trumpets with mouth pieces 21. Muskets the Locks Broken and out of repair three Chests of Matches 5 new Espontons and 83 Buff Sword Belts.

In the Cellar under the Conference Chamber.

60 Caggs of Musket Ball 1 Box of Flints 6. Barrels of Bar Lead. 997.$^{\text{lbs}}$ of mixed Ball

In the Powder House

134 large Buff sword Belts 79 half hundred Caggs of Ball and half Barrel of Pistol Ball an half Barrel of Musket Ball One fourth part of one Box of Gun Flints 29 Barrels of Powder marked FLB$\overset{\text{♔}}{\text{O}}$ 26 Barrels of Common Powder marked P M one Barrel of Ditto of the same Mark about half expended.

At the half Moon Battery.

15 Pairs of new Cannon fixed on Wood wanting Aprons and Tomkins and tho' it has been advised to have these Cannon paid and well painted for their preservation yet by neglect and want of other proper care your Committee are Apprehensive they will not be fitt for use but even dangerous to fire in a few years.

And your Committee begg leave to inform your Honourable House that there is not any one peice of the old Cannon on the Point—the place where it used to lye.

Your Committee find that since the last Report of the State of the Arms and Ammunition there have been returned to the Armourer into the Publick Magazine an half Barrel of Gun-Powder and 100.$^{\text{lbs}}$ of Bar Lead from Col.$^{\text{o}}$ Tilghman 23 Musquetts 8 Carbines an half Pike and one old Drum from the City of Annapolis 1 Brass hilted Sword 5 Bright hilted Ditto 8 Ditto with Belts, 8 good pistols. 1 Pistol out of repair 8 p.$^{\text{r}}$ of Pistols with Holsters out of Repair 11 P.$^{\text{r}}$ of Holsters 8 Musqets with 3 Slings fit for Service. 32 Old Musquets not fit for use & 4 Buff Sword Belts from Somerset County.

p.153 And that since the said last Report all the Powder herein before mentioned to be in the Powder House has been imported from England and delivered to the Armourer as also 80 Caggs of Ball 2 Boxes of Flints and Six Barrels of Bar Lead.

And your Committee also find that out of the Arms and Ammunition mentioned in the said last Report to be in the Magazine, the Arms since returned and Powder and Ball since imported and delivered to the Armourer he has delivered out by the Governors Order the several things mentioned in the following Copy of his Account for which he produced Vouchers to your Committee Viz.[t]

By Order of his Excellency Horatio Sharpe Esq.$^{\text{r}}$ Lieutenant General Governor and Commander in Chief in and over the Province of Maryland and Avalon, delivered out of the Magazine and Store of the City of Annapolis. L. H. J. Liber No. 49 Dec. 9

1756. September 22.d 1 Drum to Cap.t Herberd to be returned.

October 11.th 1 Drum to Capt Nicolson to be returned

November 15.th 2 Drums in a Case to Fort Frederick.

December 27.th 3 half Barrels of Gun Powder.

395.wt of Musquet Ball

100 of Bar Lead

1 new Drum Prec.t of Capt. Stoddert to ffort ffred.k

May 27.th 1757. 7 Barrels of Gun Powder

8 Caggs of Musquet Ball Prec.t of John Peusley to Fort Frederick.

June 17.th 2 Drums to Ensign Beall for the use of the Troops

June 20.th at Fort Frederick ꝑ his rec.t

2 Barrels of Gun Powder

2 Caggs of Musquet Ball

1500 Flints ꝑ Order of the Commissioners to Fort Frederick

July 6.th 1 Drum to Tho.s Beall a Recruiting Officer ꝑ his rec.t

July 18.th 5 Barrels of Gun Powder

10 Caggs of Musquet Ball 1 Box of Flints containing 3500 ꝑ rec.t of John Stone to Fort Frederick

18.th 1 Drum to Lieut. Cambell to be returned ꝑ rec.t of Henry Seal Serj.t

29.th 1 Drum to Vocall Sewall for Major Hammonds' Troops at the head of Severn ꝑ his Rec.t

Aug.st 5.th 18 Musquets & 1 new Carbine to Lieut. Somervill.

4.bl of Powder and 9.lb Ball for the Recruits to Fort Frederick.

15.th 4 Espontons and 2 half Pikes to the Officers of the Companies in the City of Annapolis. p. 154

16.th 6 Carbines and 6 Musketts.

2.bls of Gun Powder and 6.bls of Ball for Lieut. Somerwill his Rec.t to Fort Frederick.

September 5.th 1 Drum to Capt Humphry Boon over Severn ꝑ his Rec.t

13.th 2 Chests of Arms containing 58 Carbines ꝑ Rec.t of Mr Creigh to ffort ffrederick.

19.th 2 Musketts and 4 Carbines to Capt. Ware.

6 Pounds of Powder and Ball for 6 Recruits ꝑ his Rec.t to Fort Frederick

24.th 2 Chests of Arms Containing 58 Carbines ꝑ Rec.t of James Perry to Fort Frederick

L. H. J. Liber No. 49 Dec. 9 All which is humbly submitted to the Consideration of your Honourable house.

Signed ℘ Order Tho.^s Johnson Jun.^r Clk Commi

Which Report was Read and Ordered to lye on the Table

The Ingrossed Bill Entituled An Act for Suppressing Plumb Point Warehouse in Calvert County was sent to the Upper house with the Paper Bill thereof by M.^r J. Mackall and M.^r Reynolds

The House Adjourns till 2 of the Clock.

Post Meridiem

The House met according to Adjournment &c

On Reading the Report brought in by M.^r Goldsborough on the 4.^th Novem.^r 1757. Ordered that a Bill be brought in to revive the Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green Printer and that the Committee appointed to Enquire what Laws will expire (if not revived this Session) Do prepare and bring in the same.

Ordered that M.^r Key be added to the Committee appointed to enquire what Laws will expire with this Session if not revived.

M.^r Mathew Tilghman brings in and delivers to M.^r Speaker An Address to his Excellency the Governor which was Read Approved and Ordered to be Ingrossed.

p. 155 His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

Inclosed you have Mr. Giles's Account for Transporting hither, from the Head of the Bay, the Five Companies of the Royal American Regiment, that are now Quartered in Annapolis. As his Majesty expects that every Province will defray all such Expences as may be occasioned by his Troops Marching, or being Transported from one Part of such Province to another, I must, in Obedience to his Majesty's Commands, desire you to provide for the Payment of Mr. Giles after such Manner as you shall think proper.

Hor.^o Sharpe.

8^th December, 1757.

Which was Read, and Ordered to lie on the Table.

Mr. Dorsey brings in and delivers to Mr. Speaker, the following Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

Though we are of Opinion we cannot, consistent with our Duty, burthen our Constituents with the Support of a Garrison at Fort

L. H. J. Liber No. 49 Dec. 9

Cumberland, yet, if the Measures mentioned in Captain Beall's Letter of the Second of December, inclosed in your Message of the Seventh, should put it out of your's and all the King's Officers Power, to supply any Troops the King may leave at that Fort with Provisions, or should compel his Garrison to abandon that Place, with it's Artillery and Stores, to his Majesty's Enemies, it would give us equal Concern with your Excellency.

If any Member of our House has done any unwarrantable Act in Frederick County, to prejudice his Majesty's Service, we don't doubt but that your Excellency, who is invested with the executive Power in this Government, will take Care that every legal Step is taken to bring him to condign Punishment. p. 156

The ample Provision we have this Session endeavoured to make for his Majesty's Service, by a Bill sent to the Upper House, will, we hope, convince every impartial Man, that your Excellency could not have the least Reason to suspect, that any Thing done by a Member of our House, to obstruct his Majesty's Service, could be with our Approbation; and that the groundless Insinuation implied in the Words (" not with your Approbation I hope ") thrown into your Excellency's Message, could proceed from nothing but an ungenerous Disposition in you to propagate an Opinion, that the Conduct of this House has afforded Room for a Suspicion of our being Disaffected to his Majesty. It will give us as great Concern, as it possibly can your Excellency, to find any Measures have been taken by the Back Inhabitants to obstruct his Majesty's Service; and our Proceedings will manifest to the World, that we have always hitherto used our utmost Endeavours to avert the Evils that have more immediately threatened those People, and we are Resolved still to pursue the same Conduct: We are under the greatest Anxiety for them, and have already used our best Endeavours for their Relief by a Bill for that Purpose sent to the Upper House; in which such Rates were settled for Waggon Hire, as would have made them easy, and prevented their taking any ill-advised Steps, that might lay you under Difficulties, or bring Ruin on themselves.

We hope we shall not be answerable for what Col. Cresap may have told the People, in Relation to his Majesty's Fort: Our Resolves are public, and we don't doubt but we shall be able to justify them. We hope the Publick on the Frontiers will be better advised than to continue to detain any Waggons that have been legally pressed from them for his Majesty's Service: If they should not, we are persuaded your Excellency will think it your Duty to have the Laws put in Execution against them.

Whatever Steps the Earl of Loudoun, or the Officer appointed under his Lordship to command the Forces that have been raised & supported for the Defence of This and the Two Neighbouring Colonies, may think proper to take on this Occasion, we fully depend

L. H. J. Liber No. 49 Dec. 9 p. 157 they will be such as the Laws of the Land warrant, and his Majesty's Service require.

We agree with your Excellency, that the Matter recommended to us is of the greatest Importance, and ought to be seriously considered; but upon the most mature Deliberation, we cannot see how we can make a better Provision for the Ease, Satisfaction and Quiet of the Back Inhabitants, than has been already done by the Bill sent by us to the Upper House, and by them Rejected; after which, our Consciences acquit us of Want of Duty to our most Gracious Sovereign, and our Constituents.

On Reading the said Address, the Question was put, Whether the House Approves the said Address, or Not? Resolved in the Affirmative.

For the Affirmative,

Sothoron,
Williamson,
Hynson,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Reynolds,
Hanson,
Lee,
Dent,
M. Tilghman,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Earle,
Baker,
Ward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
E. Dorsey,
Beatty. [30]

For the Negative,

Plater,
Key,
Tilden,
B. Mackall,
E. Gantt,
Waggaman,
Wilson,
Edmondson,
Woodward,
Harris,
Chapline. [11]

On Resolution of the aforegoing Question, the said Address was Indorsed, "Read, Approved, and Ordered to be Ingrossed."

His Excellency the Governor communicated to Mr. Speaker the following Message, viz.

Gentlemen of the Lower House of Assembly,

In your Third Address of the 5th Instant, you are pleased to tell me, That your Concern for the Distresses of the Frontier People, induced you to lay before me a Report from a Committee appointed to enquire into the Conduct and Behaviour of the Troops, which have been raised and supported for their Protection, with Copies of Depositions thereto annexed; but on looking over the Bundle of p. 158 Papers that was delivered to me with that Address, I do not find any Report from a Committee, but only Copies of sundry Depositions, to wit, The Deposition of Thomas Mayns, one Sheet; of Jonathan Plummer, ditto; of Casper Thiphart, ditto; of John Perrin, ditto; of Thomas Richardson, ditto; of Conrad Farmer, ditto; of William Young, ditto; of James Long, ditto; of Peter Butler, ditto; of Samuel Beall, ditto; of Samuel Swearingen, ditto; of John Mackfadin, ditto; of James Boyle, ditto; of Isaac Baker, ditto; of Joseph Norris, ditto; of Joseph Flint, ditto; and of Samuel Beall, with an Account annexed, ditto; of John William Smith, half a Sheet; of Peter Percival, ditto; of Hezekiah Hyat, ditto; of Robert Blackburn, ditto; of Evan Shelby, ditto; of Thomas Cooper, ditto; of James Dixon, ditto; of John Ogilvie, ditto; of Duncan M^cCrae, ditto; of Van Swearingen, senior, ditto; of Charles Swearingen, ditto; of William Shearer, Three Quarters of a Sheet; and a Copy of the Affirmation of Joseph Vulgamot. L. H. J. Liber No. 49 Dec. 9

I thought proper to particularize them in this Manner, lest you should not have sent all the Papers that you intended; and if, on Enquiry, you should find that any, which ought to have been given to me, remain in your House, or in the Hands of the Gentlemen of the Committee, you will be pleased to send them with the Committee's Report, that I may make an Enquiry into the Facts therein mentioned; and you may be assured, that if I find the Inhabitants have really just Cause to complain of the Behaviour of any of the Officers or Men that have been supported at the Expence of this Province, for his Majesty's Service and the Defence and Protection of our Frontiers, nothing shall be wanting on my Part to bring the Offenders to Justice. There are, I perceive, among the Deponents, many Persons that my Stay on the Frontiers the Summer before last gave me an Opportunity of knowing; and if they had been as well known to you as they are to me, I am persuaded you would not have desired them to depose on the present Occasion. There are, believe me, many Facts mentioned, and several Things asserted, in these Depositions, which I myself know to be false; but these, I doubt not, the Officers will point out when they come to make their Defence, and to answer the Charges that are laid against them. I do p. 159 not, Gentlemen, design this as a particular Answer to your Address, or to any of the Depositions that should have been annexed thereto; but I cannot help saying it seems a little extraordinary, when the Complainants all know, that if the Troops on the Frontiers were under the Direction or Command of any Person in this Province, they must be under mine, that they should never think of applying to me for Redress, in Case they thought themselves really injured by them. As Mr. Chapline is a Member of your House, he has probably acquainted you with the Contents of some Letters, which have been at Times wrote to him by my Order since the Conclusion of the Baltimore Session; but lest he should not have been so communicative, I take the Liberty to lay before you Copies of those Letters, together with Copies of such as I, or my Secretary, received from

L. H. J. Liber No. 49 Dec. 9 that Gentleman; which I desire may be entered in your Journal, as they will, in my Opinion, most clearly shew, that if any Abuses have been committed by the Officers or Soldiers on our Frontiers, during this last Summer at least, not I, but Mr. Chapline is answerable for them. He was then, as well as now, one of the Lower House of Assembly, elected by the Inhabitants of Frederick County, and resided near the Place where these Abuses are said to have been committed; he had better Opportunities of examining into the Grounds of any Complaints, which the Frontier Inhabitants may have made, than any other Person; and if he had, upon Enquiry, found them just, he ought to have laid them before me, that I might have immediately taken Care to have the Offenders punished, and the Sufferers redressed. You will be pleased to observe, that this Gentleman was twice reminded of his Duty to his Constituents and to Myself, by Two Letters writ by my special Order; the first of these he was pleased to acknowledge the Receipt of by his Letter dated the 18th of May, but his Answer was such as made me conclude, that he was much afraid of being called upon as an Evidence against the Officers, or of having his Name brought in Question; and therefore to free him from all Apprehensions and Restraint, and that I may nevertheless come to the Knowledge of what the Officers may have been accused of, or censured for, in private Conversation, or publicly, I desired Mr. Ridout to write to Captain Chapline a second p. 160 Time on the same Subject: This Letter Mr. Chapline likewise received, but for Reasons best known to himself, never thought proper to answer; which indeed I am really sorry for, and it will, I doubt not, be by you thought unlucky, since his answering it properly, might possibly have saved the Country a great deal of Money, and you, as well as many others, Abundance of Trouble. But besides what I have already mentioned, I think these Letters will shew, that Captain Joseph Chapline, a Member of your House, had very little room to say any Thing which could confirm you in an Opinion, that I had done wrong in ordering out any of the Militia this last Summer to serve on the Frontiers: As there are many Gentlemen among you that were Members of the late Lower House of Assembly, it is unnecessary to repeat the lamentable Story (whether true or false is not now the Question) that Mr. Chapline's Brother came to Baltimore, and told us when we were there assembled, all the Soldiers that were at that Time in Garrison at Fort Frederick, or employed on this Side the North-Mountain, were not more than about Seventy at most, and several of these were sick in the Hospital. This Consideration determined me to order a Company of the Militia on Duty at that Time; and other Reasons of equal Weight induced me to order out Two small Detachments afterwards; all which I have already recommended it to you to provide for the Payment of, and I hope you have readily complied with my Request.

Hor.° Sharpe.

9th December, 1757.

The following are the annexed Letters, which are referred to in the Governor's Message, viz. L. H. J. Liber No. 49 Dec. 9

Copy.

To Captain Joseph Chapline, and to Lieutenant Moses Chapline, of Frederick County.

Whereas I have been informed, that a considerable Number of Indians have lately killed several Persons in Frederick County, at no great Distance from your Habitations, and that they are still Lurking in that Part of the Province with an Intention, as might be p. 161 reasonably supposed, to do more Mischief; I have thought fit, and do hereby impower and direct you to muster the Company of Militia under your Command, and with the said Company or any other Men capable of bearing Arms (that shall be willing to join you) to Range on the Frontiers for the Protection of the Inhabitants, till a greater Body of Troops can be Raised for their Defence. You are to act agreeable to the Militia Laws of this Province, while you are on this Service, and to keep a Journal of your Proceedings in Consequence of these Orders, to be returned to me at the End of one Month, before which Time you may expect to be relieved.

Hor.° Sharpe.

Given at Baltimore the 23d of April, 1757.

Baker's Fort, May 10th, 1757.

Honoured Sir,

I and my Brother are now at Conococheague with about Sixty Men, and ever since I reached that Place, notwithstanding several small Parties of Indians were seen, yet the People were encouraged to provide, to sow and plant Corn, till the unhappy News came of the Indians defeating our Forces at Fort Cumberland, together with the Information of the Prisoners that escaped from Fort Duquesne, giving an Account of a large Number of the Enemy Design on our Parts (which I make no Doubt but your Excellency has had a full Account of) with a Design to destroy all our Settlements, which we are not able to defend against so great a Force, without more Help if it should be true. What most affects us to see the People so much Dispirited at the late Alarm; but as our Company consists mostly of good Woodsmen, shall use our utmost Endeavours to defend the Place against any Number that don't much exceed ours. I am, Sir,

Your Excellency's most obedient and humble Servant,

Joseph Chapline.

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Baker's Fort, May 14th, 1757.

Honoured Sir,

There had nothing happened of Consequence on our Frontier since I wrote last. We have searched the North-Mountain, and all the other Covers that we could think the Indians could conceal p. 162 themselves in, near the Inhabitants, but found none. I am informed, that a Party of Indians kill'd and scalp'd one Man, and took away another Prisoner last Tuesday from the Mouth of Capacton, and about seven Miles from the Mouth of Conococheague; but we have increased our Company, including ourselves, to near Seventy Men, we are in Hopes that we shall keep the Settlement from moving, as we shall use all the Care and Diligence we can to deter the Enemy from breaking in on that Quarter. We also thought proper to acquaint your Excellency, that if you think it proper to keep up a Party of the Militia longer than a Month in these Parts, the Company under our Command will be willing to serve rather than the Settlement should be broke up, which certainly will be the Case unless a constant Party is kept in the Place where we are. I am, Sir,

Your Excellency's most obedient and humble Servant,
Joseph Chapline.

P. S. After writing this Letter, I received the agreeable News of the Success of the Cherokee Indians.

Copy.

Annapolis, May 12, 1757.

Sir,

The Governor bids me acknowledge the Receipt of your Letter, dated the 10th Instant at Baker's Fort, and to inform you, that as he is now impowered to augment the Troops, in the Pay of this Province, to 500 Men, you may soon expect more at Fort Frederick, for the Protection of the Frontier Inhabitants: In the mean Time he advises you to be on your Guard; but at the same Time to make yourself and the People about you easy. With Regard to the Action, or rather Skirmish, that happened the 4th of this Month at Fort Cumberland, you seem to have been misinformed. I presume you know, that there is a considerable Number of Cherokees, and other Indians in our Alliance, at Fort Frederick, or Ranging on the Frontiers. His Excellency orders me to let you know also, that Col. Stanwix is marching p. 163 to Carlisle in Pennsylvania, with Part of the Royal American Regiment, that in Case any large Body of the Enemy should advance towards either of these Colonies, he might be ready to oppose them. After you left Baltimore, the Governor was given to understand, that you had, during your Stay there, informed the Gentlemen of the Lower House of Assembly, that Capt. Dagworthy, and Others of the Officers in the Pay of this Province, have been Guilty of many notorious Frauds, which, on that Occasion, you particularized. His

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Excellency bids me mention this to you, and desires you will communicate to him what you know of such Proceedings: He also orders me to assure you, that if you have hitherto declined advising him of any Abuses upon a Supposition that he connived at them, or would be averse to punishing the Aggressors, you have done him great Injustice. I am, Sir,

Your most humble and obedient Servant,
J. Ridout.

Captain Joseph Chapline.

Baker's Fort, May 18th, 1757.

Honoured Sir,

I this Day received a Letter from Mr. Ridout, wherein he acquaints me, that I and the People may make ourselves easy, as Col. Stanwix and his Regiment, and our Provincial Troops, will march soon, which I make no doubt of: But as to the Number of Indians that he mentions, there is but little Dependence as yet on their being any Protection to us; for I beg Leave to acquaint your Excellency, that I am creditably inform'd that the Catawbas are all gone home but Eleven; the Cherokees that are with us, I understand, design the same, without going out any more till they have been home: This I understood from themselves Yesterday, when I waited on them at Fort Frederick, so that I expect we shall be forced to defend our if we can till our own Troops comes. He also acquaints me, that your Excellency was inform'd, that during my Stay at Baltimore, that I complained to the Gentlemen of the Assembly of sundry Frauds committed by the Officers of Fort Frederick, which is wrong, for I made no such Complaint. I was asked many Questions in private Conversation, in Relation to their Conduct there, which I answered as far as I knew, and if it hath not been advanced on, I believe it won't be hard to prove what I said. I wish Mr. Ridout had mentioned the Frauds he says I complained of, and I should have taken Pleasure in acquainting your Excellency with what I know relating thereto; but as I never made any Complaint, I don't see where there could be any Suspicion of my thinking his Excellency would favour such Proceedings; for altho' many People hath told me of the Usage they have met with there, yet never none of them desired me to lay it before you in a proper Manner, and as to myself, I have had very little Concern with them. There has been no Damage done in our Settlement since my last, and the People seems satisfied since they find the late News was false, There was Two Men taken away Captive out of Pennsylvania, near M^cField's Fort, the 12th Instant, about seven Miles from our Station, and one of them made his Escape, and got safe back to the Fort, and says, that he was taken by Six Indians. I am, Sir, p. 164

Your Excellency's most obedient and humble Servant,
Joseph Chapline.

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Baker's Fort, May 29th, 1757.

Honoured Sir,

Agreable to your Instructions, we have sent a List of the Men now under our Command, and our Journal for the Month past, inclosed with this for your Excellency's Inspection. When we set out we engaged the Men only for one Month, tho' we are at no Loss to keep up a Company; yet should be glad, if it was your Excellency's Pleasure, to signify to us what Time you thought there would be Occasion of this Service; we should then be more able to judge as to our necessary Expence, without Loss either to Ourselves or the Public, p. 165 which we now are, as it appears by your Instructions that we might expect to be released before this Time. There has been no Mischief done in our Settlement since my last; but I had News brought me this Morning from Fort Cumberland, that as a Party of our Maryland Company was out a Horse-hunting, the Indians fell on them, and killed Three, and took Three more Prisoners. I am, Sir,

Your Excellency's most obedient and humble Servant,

Joseph Chapline.

Copy.

Annapolis, June 1st, 1757.

Sir,

The Governor bids me acknowledge the Receipt of your Two Letters dated the 18th and 29th of May. If your Company is inclined to continue on Duty till the 12th Day of this Month, his Excellency has no Objection to your keeping them out until that Time, but no longer; as the Garrison of Fort Frederick will be then reinforced by a considerable Number of Recruits from hence, and Capt. Beall will be able to spare a Detachment, and to keep Men constantly out patrolling.

I return your Journal, that you may continue it on to that Time, and that you may note therein when any Man engaged or was discharged. The Governor is glad to find, that you did not entertain such a Suspicion as when I last writ to you; he was afraid you did; but he desires you will give him a particular Account of any Tricks that have ever been played by the Officers of the Maryland Forces, or of the Ill-Usage that any People, who have complained to you, have received from them, that he might at least give such Orders as may prevent such Misbehaviour for the future. I am Sir,

Your most humble and most obedient Servant,

J. Ridout.

Capt. Joseph Chapline.

Baker's Fort, June 10th, 1757

Sir,

I this Instant received a certain Account from Fort Loudoun, that Lieutenant Holliday, with Twenty-five, fell in with a Number of

Indians Yesterday about Twelve o'Clock in the Great Cove, supposed to be a Hundred or more, out of which there is but Nine escaped, the Lieutenant and Sixteen more being supposed to be killed or taken Prisoners. The Indians hath also kill'd Doctor Ross's Waggoner between the Stone Quarry and the Fort, about Sun-set last Night. A Party of the Men under our Command Yesterday Evening came upon the fresh Tracks of a Company of Indians in Blazes Gap, that we supposed were disturbed by my Brother and Self, who were at the same Time in another Part of the same Mountain. Our Party pursued them, and lay out all Night; and pursued them so long, that they did not return till Six o'Clock this Evening, but could not overtake them till it appeared to them that more had joined them, then they left the Chace, and returned to us. There was likewise Five Men kill'd and taken by Shipeston the Day before Yesterday. We are determined to set out To-morrow Morning with what Force we can, in Pursuit of them, which is but since the last Month expired. As we had received your Orders to break up the Company at all Events the 12th of this Instant, I refused to keep any more than 50 Men; but as the Enemy is amongst us, and there is very few Men at Fort Frederick, and no News of any more being at Hand, we thought it would be agreeable to your Excellency to remain on the Spot till we have your Answer. I am, Sir,

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Your most obedient humble Servant
Joseph Chapline.

Copy. Annapolis, June 13,th 1757.

Sir,

The Governor bids me acknowledge the Receipt of your Letter, dated the 10th Instant, and to let you know, that as the Recruits marched towards Fort Frederick on the Day appointed, he has no further Orders for you, or the Men under your Command, at present. I am, Sir,

Your most humble and obedient Servant,
J. Ridout.

Captain Joseph Chapline.

July 20th, 1757.

Sir,

At the Request of, and in Behalf of, our Settlement, I beg Leave to acquaint your Excellency, that from the several Murders committed amongst us, and other Mischief by the Indians, within these Ten Days past, is like to break us up, and certainly will, except some Assistance can be had speedily. Frequent Applications has been made to the Officers of Fort Frederick for Help, but none can be had; for their Answer is, that they have scarce Men enough to escort their Provisions and other Necessaries to and from the Forts, which causes the People not to know what to do. There is above Two Thirds of the

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L. H. J. Liber No. 49 Dec. 9 Inhabitants, between Conococheague and South-Mountain, have slew into Heaps; many of which are removing quite away, and the rest will I expect soon, if there is no Notice taken of them by your Excellency. It is with Concern that I repeat it again, but I am very sure that if we have no Relief at the Return of this Messenger, the greater Part of the People will leave the Settlement, which if they do, what few of us that would willingly stay, will not be able. I am, Sir,

Your Excellency's most obedient and humble Servant,

Joseph Chapline.

Horatio Sharpe, Esq;

Annapolis, July 24, 1757.

Sir,

In Answer to your Letter of the 20th Instant, the Governor orders me to tell you, that he is extremely sorry to hear, that any Mischief has been lately done by the Enemy on the Frontiers of this Province, and that nothing would give him greater Satisfaction than to have it in his Power effectually to prevent their Incursions for the future. As the Number of Men at this Time in the Pay of this Province, is upwards of Four Hundred, he is very apprehensive that the Assembly will not approve of his ordering any of the Militia to keep constantly Ranging on the Frontiers, nor agree to pay them and therefore he desires to be excused from giving any such orders. However, if you, or any other Officer, have an Inclination to Range with your respective Companies for a Time, his Excellency has no Objection thereto, and will, if desired, recommend it to the Assembly to make you and them an Allowance, tho' he declines sending you positive Orders to march. Capt. Beall has standing Instructions to keep Parties of Men Ranging on the Frontiers, agreeable to the Directions of the Act of Assembly, and he assures the Governor that he does comply with such Instructions to the utmost of his Power. I am, Sir,

Your most humble Servant,

Capt. Joseph Chapline. J. Ridout.

July 30.th 1757

Sir,

p. 168 I received yours of the 24th Instant, wherein I find his Excellency does not incline to let us have any Assistance to defend us against this inhuman Enemy that is constantly harrassing us, but expects that Capt. Beall takes Care to guard us sufficiently with the Provincial Troops; this I can venture to say, that there has been none yet that there can be any Hopes put in as a Defence; true it is, that since I wrote last, he sent a Serjeant with Thirty Men to Mr. Baker, or as many, with what few there was before, as made up Thirty; but most of them was out of the Hospital, or at least appeared as such. I call'd

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on Capt. Beall since the Receipt of your Letter with an Expectation of his immediately sending a stronger Party, but found it as he said, and I believe out of his Power, as there was then Forty under the Doctor's Hand, and many others that had recovered not fit for Duty, so that there was no Help to be had, nor none we expect from the Place; and if his Excellency does not incline to send us any Help, the Consequence is, we must break up and leave the Settlement, or be sure of being murdered by Degrees. There is near Seven Hundred Souls, as you will see by the inclosed List, that still remain at the several Places where they were gathered, and stands upon their own Defence, still hoping, that when his Excellency is truly informed of their unhappy Circumstance, that they will get some Relief. I am, Sir,

Your most humble Servant,

Joseph Chapline.

Which Message, and Letters were severally Read, and Ordered to lie on the Table.

On Motion, Ordered, That Mr. Dulany, Mr. Murdock, and Mr. Earle, do prepare and bring in an Address to his Excellency the Governor, in Answer to the said Message.

The House adjourns til the Morrow Morning at 9 of the Clock.

Saturday, December 10, 1757.

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The House met according to Adjournment, &c.

Mr. Murdock brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We are sorry to find, that the repeated Representations of the late Lower House of Assembly to your Excellency, of the Neglect of several Naval-Officers to account for the Duties imposed on Servants, imported into this Province for Seven Years or upwards, and their earnest Request that your Excellency would direct their Bonds to be put in Suit, have not yet had the desired Effect; and it gives us equal Concern to find, that no legal Steps have yet been taken to compel the Commissioners of the Paper Currency Office to Credit the Public with the Monies paid so many Years ago into that Office by Messieurs Trippe, Porter, and Bradford. As you were pleased, in one of your Messages to declare, that you would never countenance any Officer who does not diligently and faithfully discharge his Duty, we are at a Loss for the Failure in these Instances; but would choose to

L. H. J. Liber No. 49 Dec. 10 attribute it to any Cause rather than a Disregard in your Excellency to the reasonable Complaints of the Representatives of the People. We think ourselves indispensibly obliged to remonstrate against any Officer, who shall omit or refuse to execute the Duties enjoined by the Laws, and have an undoubted Right to claim your Excellency's Regard to our just Representations. We therefore must earnestly request, that your Excellency will give immediate and effectual Orders to compel the abovementioned Officers to an Observance and impartial Execution of the Laws, so positive and explicit in Relation to their Conduct, and of so great Utility and Importance to this Province.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Major Hynson and Mr. Thomas Gantt do acquaint p. 170 his Excellency the Governor, That this House hath prepared an Address to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor was pleased to signify, he would be ready to receive the Address at his House immediately.

Ordered, That Mr. Lee, with Three more, do present the Address.

Mr. Govane brings in and delivers to Mr. Speaker, an Ingrossed Bill, entituled, An Act to impower Susanna Risteau, Widow and Administratrix of Talbot Risteau, late of Baltimore County, Deceased, to Sell the House and Lands therein mentioned, for the Payment of the Debts of the said Talbot Risteau; which was Read and Assented to, and sent to the Upper House, with the Paper Bill thereof, by Mr. Govane and Mr. Cockey Deye.

Mr. Murdock brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Edward Dorsey brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor, Ingrossed; which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Lee and Mr. Sudler do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address immediately at his House.

Ordered, That Mr. Gassaway, with Three more, do present the Address.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

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Mr. Earle brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency, p. 171

It gives us real Concern, that you should have Reason to complain of any Want of Decorum or Regularity in this House in their Intercourse with your Excellency, for which, we must acknowledge the Neglect mentioned in your Message of the 9th Instant, gives some Foundation: We therefore think it incumbent on us to make our Apology to your Excellency for this undesigned Breach of Order, and hope you'll attribute it to the real Cause, the Inadvertency of our Clerk. The Reports, thus casually omitted to be annexed to the proper Papers, we now send to your Excellency: And as you are pleased to signify that you do not design your Message as a particular Answer to our Address or the Depositions, it is unnecessary for us to say more on the Subject, than that as you are now furnished with all the Depositions and the Reports, we hope your Excellency will make Enquiry into the facts contained therein, and take proper Measures to redress the Sufferers, and punish the Offenders.

Which Address was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Wilson and Mr. Harris do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it: They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address at his House immediately.

Ordered, That Mr. Govane, with Three more, do present the Address.

On Motion, the Question was put, Whether any new Clause shall be added to the Printer's Bill, or Not? Resolved in the Negative?

For the Affirmative,

Williamson,
Gassaway,
Lee,
J. H. Dorsey,
Cockey Deye,
E. Tilghman,
Bracco. [7]

For the Negative,

Plater,
Sothoron,
Key,
Hynson,
Tilden,
Wilson,
M. Tilghman,
Edmondson,
Govane,
Owings,
T. Gantt,
King,
Sudler,
Scarborough,
Chapline,

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B. Mackall,
Reynolds,
E. Gantt,
Hanson,
Dent,
Earle,
Baker,
Ward,
Woodward,
Fraser,
E. Dorsey,
Harris,
Worthington.

[28]

p. 172 Mr. Dulany brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to impower a Committee to examine in the Interval of Assemblies, the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly, and the Agents, &c. which Bill was Read the first Time, and Referred for a second Reading on the 20th Day of February, 1758.

Mr. Key brings in and delivers to Mr. Speaker, a Bill, entituled, An Act continuing an Act, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer; which was Read the first and second Time by an especial Order, and will pass.

The House adjourns til Monday Morning at 9 of the Clock.

Dec. 12

Monday, December 12, 1757.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Waggaman. The Proceedings were Read.

Mr. Rasin appeared in the House.

The Bill, entituled, An Act continuing an Act, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer, was sent to the Upper House by Mr. Wilson and Mr. Woodward.

An Ingrossed Bill, entituled, An additional supplementary Act to the Act, entituled, An Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit, established by Act of Assembly, the Sum of £4500 Current Money, for Encouragement of such able-bodied Freemen as shall voluntarily Enlist themselves into his Majesty's Service, for the intended Expedition against Canada; and for maintaining and conveying them to the Place of Rendezvous; as also for replacing the said Sum, and for the better regulating Ordinaries and Ordinary-Keepers; and for other Purposes therein mentioned; was Read and Assented to, and sent to the Upper House, with the Paper Bill thereof, by Mr. Reynolds and Mr. Ward.

p. 173 The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment. The members were called and all appeared as in the morning.

Mr. Lloyd brings in and delivers to Mr. Speaker, the following Address, viz.

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Dec. 12

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

In Answer to your Message of the 6th Instant, which you were pleased to send us, with an Extract of a Letter without Date from the Honourable Mr. Atkin, we must beg Leave to repeat, that by a Bill some Time ago sent to the Upper House, we made such a Provision as we judged most expedient for cultivating the Friendship and engaging the Assistance of the Southern Tribes of Indians, and establishing them in the British Interest. In doing this, we could not imagine we were interfering in Matters which the Honourable Mr. Atkin, his Majesty's Agent and Superintendent of Indian Affairs, had the sole Power and Right of managing, and which, as he says, he has Reason to believe the several Governors have been cautioned not to do.

We presume this Affair must have very lately come to your Excellency's Knowledge, or you would not have applied to us (as you did in your Message of the first Instant) to know whether we would choose to employ the Fifty-six Cherokees that were then at Fort Frederick, offering their Service to us; but would rather have given us the Information you now do, of the extensive Commission under which Mr. Atkin acts.

Could we have imagined that it was expressly contrary to Treaties made with the Cherokee Tribes, that they should demand or even expect any certain Reward for Scalps (after having seen those Rewards offered by and accepted from the neighbouring Governments) and that those Indians have already been told so by Mr. Atkin, and likewise that every Person (except himself) was, by his most Gracious Majesty, strictly forbidden to concern with the Indians in the Southern District of America, or their Affairs, we should probably have framed our Bill for giving Rewards, in such a Manner as should be most agreeable to the Royal Instructions; and we are of the Opinion, that the Method proposed in our Supply-Bill, sent to the Upper House this Session, would have been so in every Respect, except that, by that Bill, your Excellency or the Commander in Chief for the Time being (instead of Mr. Atkin) was impowered to direct the Distribution of those Rewards, in Proportion to the Services respectively performed by the Indians for his Majesty's Service, and the Protection of our Frontier Inhabitants, whether they killed or made Prisoners any of the Enemy or not.

p. 174

The Cherokees that now are on our Frontiers, or such other Parties as may come, we suppose are well informed, that it is to Mr. Atkin

L. H. J. Liber No. 49 Dec. 12 they must apply for a Reward for their Service: If so, no doubt they will; but on the contrary, if they are come without the Knowledge and Permission of that Gentleman, we judge it is the Reward they expect from us for Scalps and Prisoners that may have induced them; and we think they should not be disappointed, if they shall be so fortunate as to procure either. As we are still, in great Measure, Strangers to the Honourable Mr. Atkin's Commission, and the Powers he is invested with, and also to the Regulations established in Virginia, in respect to the Grants they have made of Money for the Use of our Indian Allies, when that Commission, with his Majesty's Instructions, or such Part of them as are proper to be communicated, are laid before us, with the Regulations established in Virginia relative to Indian Affairs, we shall be able to judge of the Expediency of the Measure they have taken; but till then we hope to be excused from making any Alteration in the Appropriation of p. 175 the Money heretofore granted as a Reward for Scalps and Prisoners; for should Mr. Atkin have forbidden the Indians, now on our Frontier, to receive from us any Rewards for Scalps or Prisoners, as he allows it would be a very laudable Thing in our white People to intitle themselves to those large Rewards given, and says, it may be a Means of animating them to go out against the Enemy, we are unwilling to deprive the Frontier Inhabitants of the Protection that is or may be afforded them by the Excursions of Scalping Parties, and the more so as we could not obtain the Passage of a Bill, for supporting such Part of the Troops which have been raised by the Province, as we judged necessary for our immediate Defence.

Which Address was Read; and the Question was put, Whether the House Approves the said Address, or Not? Resolved in the Affirmative.

For the Affirmative,

Plater,
Williamson,
Hynson,
Gassaway,
Carroll,
J. J. Mackall,
B. Mackall,
E. Gantt,
Hanson,
Lee,
Dent,
M. Tilghman,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Earle,
Baker,
Ward,
Fraser,
King,
Lloyd,
E. Tilghman,
Bracco,
Scarborough,
Chapline,
E. Dorsey,
Reynolds.

[28]

For the Negative,

Sothoron,
Key,
Tilden,
Worthington,
Wilson,
Edmondson,
Woodward,
Harris.

[8]

On Resolution of the aforegoing Question, the said Address was Indorsed, "Read, Approved, and Ordered to be Ingrossed." L. H. J. Liber No. 49 Dec. 12

Mr. Lloyd brings in and delivers to Mr. Speaker, an Ingrossed Address; which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Key and Mr. Wilson, do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor Signified he would receive the Address immediately at his House.

Ordered, That Mr. Lee, with Three more, do present the Address.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz. p. 176

Gentlemen of the Lower House of Assembly,

Since you have thought proper, in one of the Addresses which were presented to me the 10th Instant, to insist, that the Rates which you had settled for Waggon Hire, in the Bill that was some Time this Session offered to the Upper House, and returned thence with a Negative, were such as would have satisfied the Inhabitants of Frederick County, whose Waggons might be impressed to carry Provisions to Fort-Cumberland, and have made them quite easy, I think myself obliged to take particular Notice of that Part of your Address, as I have often heretofore, and again very lately, assured the People of that County, that I will embrace every Opportunity of shewing I have their Interest and Security truly at Heart.

By the Bill, which the Gentlemen of the Upper House thought it incumbent on them to reject, it was, I find, provided and directed, that there should be paid for the Hire of a Waggon and four Horses, the Sum of Twelve Shillings and Six-pence a Day for every Day, which Waggon should carry a Load of Fifteen hundred Pounds Weight, allowing Fifteen Miles to be a Day's Journey; and for every Mile they should be obliged to travel empty, the Sum of Five-pence: Suppose then a Number of Waggons were wanted to carry a Quantity of Provision from the Magazine at Fort-Frederick to Fort-Cumberland, and several were to be impressed for that Service about Frederick-Town, the Owner of each of them would receive for it's going to Fort-Frederick light, Seventeen Shillings and Six-pence Currency, the Distance being according to common Computation, Forty-two Miles, and they may be reasonably allowed two Days to go it in: As the Waggons are to be collected from several Places or Plantations, and none of them can move from Fort-Frederick till they are all p. 177 loaded and ready to set off together (it being necessary that they should have a Convoy to secure them from any Attack of the Enemy) we may, upon an Average, suppose that every Waggon will be de-

L. H. J. Liber No. 49 Dec. 12 tained at Fort Frederick two Days, for which they are not to have any Allowance. The Distance from Fort-Frederick to Fort-Cumberland, by the Waggon Road, is Seventy-five Miles, or Five Days Journey; and for travelling this Distance, the Owner of every Waggon is to receive the Sum of Three Pounds Two Shillings and Six-pence. To unload at Fort-Cumberland, repair their Waggons (if Necessary) and give their Horses Rest, we cannot allow them less than Two Days more, for which likewise they would not be intitled to any Satisfaction. For returning thence to Fort-Frederick light, at the Rate of Five-pence a Mile, there is to be paid to each, One Pound Eleven Shillings and Three-pence, and as they cannot leave this Convoy, Fifteen Miles will be then also a Day's Journey; for going home from Fort-Frederick, the Owners will receive Seventeen Shillings and Six-pence; and as they will have nothing to fear from the Enemy after they are come below Conococheague, they may travel these Forty-two Miles in Two Days. According to this Calculation, the Waggons will be from home Eighteen Days, and the Owner of each will receive for the Hire of it, during that Time, Six Pounds Eight Shillings and Nine-pence Currency, that is, Seven Shillings One Penny Three Farthings and a Third a Day, for a Driver, a Boy, four Horses, and a Waggon; a Sum that will scarcely find the Man and Boy with Victuals, and the Horses with Provender. If any Waggon should break down on the Road, the whole must be delayed till it can be repaired, or it's Load must be divided among the others, which will make them move heavily; for it is agreed to be more difficult for four Horses to draw a Load of 1500 lb. Weight in the Roads above Fort-Frederick, than a Load of Two Ton in the Roads on this Side the Mountains: Some of the Horses may tire, and others may stray from them in the Night and be lost, and many other Accidents may p. 178 happen, which would be tedious to enumerate, but which should have been considered when you were framing that Part of your Bill. As you have been pleased to mention this same Bill to me in several Addresses, I cannot help making this Remark, that if the whole is agreeable to this Specimen, I am apt to think the Gentlemen who declined passing it, will not find any great Difficulty in justifying their Conduct.

If, Gentlemen, you shall upon more mature Consideration, resolve to prepare another Bill to settle the Rates for Waggon Hire, in a different Manner from that which was now proposed, I shall Hope that you will likewise make a Provision for the Payment of the Owners of such as it may be necessary to impress for carrying Provisions or Military Stores to either of his Majesty's Forts within this Province. This, I am sure, is the least Thing that our most gracious Sovereign will expect from you, after the Professions which you have so often made of the warmest Zeal for his Majesty's Service, and your Declaration, that it would give you the greatest

Concern to see Fort-Cumberland in particular fall into the Enemy's Hands. If any Words fell into my former Message, that seem'd at first View, to imply such a Suspicion as you mention, I hope you will believe that they did not flow from any ungenerous Disposition; I know you have all undergone the Qualification necessary to distinguish you to be loyal Subjects; and I should act very unwisely indeed to intimate, that there was Room to suspect you of Disaffection, when you need only appeal to the Journal of your Proceedings to shew that such Insinuation was without Foundation. L. H. J. Liber No. 49 Dec. 12

Hor.° Sharpe.

December 11th, 1757.

Which said Message was Read, and Ordered to lie on the Table.

Col. Tilghman, from the conference of both Houses, brings in and delivers to Mr. Speaker, the following Report, viz.

At a Conference of the Members of both Houses of Assembly, the 9th Day of December, 1757. p. 179

Present,

The Honourable Col. Edward Lloyd,
and
Colonel Benjamin Tasker, junior, } of the Upper House.

And

Edward Tilghman,
Robert Lloyd,
Matthew Tilghman,
Walter Dulany,
Charles Carroll,
and
Edward Dorsey, Esquires, } of the Lower House.

Who then Chose Col. Edward Lloyd, Chairman; and Thomas Johnson, junior, Clerk.

Agreed, That a Petition to the King be prepared, and also a Representation to the Lords Commissioners for Trade and Plantations, on the Subject Matter of this Conference.

After several Meetings, the Conferees agreed upon the Terms of the Petition to his Majesty, and Representation to the Lords Commissioners for Trade and Plantations.

And in Consequence of the Orders of the respective Houses, also agree on the Forms of an Address to request his Lordship our Lord Proprietary, to present that Petition to his Majesty, and to lay the Representation before the Lords Commissioners; and likewise of an Address to his Excellency the Governor, desiring him to transmit them to his Lordship.

All which, it is agreed, shall be laid before the respective Houses.

Signed ℘ Order, Thomas Johnson, junior, Clerk.

L. H. J. Liber No. 49 Dec. 12 Which said Report was Read, and the House Concurs therewith.

On Motion, Ordered, That an Address be prepared to the Right Honourable the Lord Proprietary, to request that his Lordship will present the Petition to the King, and the Representation to the Lords Commissioners for Trade and Plantations, prepared by both Houses p. 180 of Assembly; and likewise an Address to the Governor, to request him to transmit to the Lord Proprietary the Petition to his Majesty, the Representation to the Lords Commissioners for Trade and Plantations, and the Address to the Lord Proprietary, with all convenient Speed: And, That the Conferees appointed by this House to join with the Conferees of the Upper House, do prepare and bring in such Addresses.

The House adjourns til the Morrow Morning at 9 of the Clock.

Dec. 13

Tuesday, 13th December, 1757.

The House met according to Adjournment, &c.

On Motion, Ordered, That a Message be prepared to be sent to the Upper House, with the Bill, entituled, An Act for Billetting and Quartering his Majesty's Forces within this Province, which was sent from the Upper House, and there prepared.

On Motion, the Question was put, Whether the following Clause, viz. Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That as often as any of his Majesty's Forces shall come into the City of Annapolis, or to any Town or Place, within this Province, for Winter Quarters, it shall and may be lawful for the Mayor, Recorder, or any Two of the Aldermen of the said City, and for any Two Justices of the Peace of the County, in which such Town or Place shall lie, to Quarter and Billet the Officers and Soldiers on the Inns, Ordinaries, Victualling-Houses, or Ale-Houses, that shall be in the said City, Town or Place; and in Case there shall not be a sufficient Number of such Houses in the said City, or in the Town or Place whereunto such Forces shall come for Winter Quarters, conveniently to accommodate such Officers and Soldiers, then and in that Case, the said Mayor, Recorder, Aldermen, or Justices, shall and may Billet them, in equal Proportion, on or at the Charge of such private Houses, as they, in their Discretion, shall see fit, and judge most convenient for that Purpose, shall be inserted in the Message to be sent to the Upper House, or Not? Resolved in the Affirmative.

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For the Affirmative,

Williamson,	J. H. Dorsey,	Fraser,
Hynson,	Cockey Deye,	Lloyd,

L. H. J.
Liber No. 49
Dec. 13

Gassaway,
Hanson,
Lee,
Dent,
Govane,
Owings,
Earle,
Baker,
Ward,
Murdock,
E. Tilghman,
Bracco,
Sudler,
Harris,
M. Tilghman. [21]

For the Negative,

Plater,
Sothoron,
Key,
Rasin,
Tilden,
Carroll,
Worthington,
J. J. Mackall,
B. Mackall,
Reynolds,
E. Gantt,
Wilson,
Dulany,
Woodward,
T. Gantt,
King,
Scarborough,
Chapline,
E. Dorsey,
Edmondson. [20]

On a second Reading of the Report, from the Committee to Tax the Fees to the Officers of this House, and Others, on the several Petitions for controverted Elections, the same is Referred for Consideration the next Session of Assembly.

On Reading the second Time the Account of Jacob Giles, for bringing Soldiers from the Head of the Bay, the said Account is Referred for Consideration of the next Assembly.

The House adjourns til 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Benjamin Mackall hath Leave to go home.

The House adjourns til the Morrow Morning at 9 of the Clock.

Wednesday, 14th December, 1757. Dec. 14

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Benjamin Mackall. The Proceedings were Read.

The following Message, viz.

By the Lower House of Assembly, 14th December, 1757.

May it please your Honours,

The Bill herewith sent, appearing on the first Reading to be a Money Bill, and as we apprehend that all such Bills should take their Rise in this House, we have not thought proper to give the same a Second Reading, as is usual with other Bills, and therefore return it.

We are sorry to observe in that Bill, the following Clause: "Be it p. 182 enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That as often as any of his Majesty's Forces shall come into the City of Annapolis, or to any Town or Place within this Province, for Winter

L. H. J. Liber No. 49 Dec. 14

Quarters, it shall and may be lawful for the Mayor, Recorder, or any Two of the Aldermen of the said City, and for any Two Justices of the Peace of the County, in which such Town or Place shall lie, to Quarter and Billet the Officers and Soldiers on the Inns, Ordinaries, Victualling-Houses, or Ale-Houses, that shall be in the said City, Town or Place; and in Case there shall not be a sufficient Number of such Houses in the said City, or in the Town or Place whereunto such Forces shall come for Winter Quarters, conveniently to accommodate such Officers and Soldiers, then and in that Case, the said Mayor, Recorder, Aldermen or Justices, shall and may Billet them, in equal Proportion, on or at the Charge of such private Houses, as they, in their Discretion, shall see fit, and judge most convenient for that Purpose." Which we apprehend is, so far as it relates to Billetting Officers and Soldiers on or at the Charge of private Houses, contrary to the Petition of Right, and tends to a manifest Infringement of the Liberties and Properties of the Subject.

Signed ꝑ Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House, with the Bill, entituled, An Act for Billetting and Quartering his Majesty's Forces within this Province, by Mr. Matthew Tilghman and Mr. Wilson.

Mr. Dulany brings in and delivers to Mr. Speaker, the following Report, viz.

Maryland S^{ct}

p. 183 At a Committee of both Houses of Assembly, appointed to Inspect the Office and Proceedings of the Commissioners for Emitting Bills of Credit, established by Act of Assembly.

Were Present,

The Honourable Samuel Chamberlaine, Esq; of the Upper House.

Mr. Walter Dulany,
Mr. Michael Earle,
Mr. Robert Lloyd,
Mr. John Bracco,
Mr. Alexander Williamson,
Mr. Matthew Tilghman,
Mr. Brice T. B. Worthington,
and
Mr. John Hanson,
of the Lower House.

Who make Choice of and Appoint the Honourable Samuel Chamberlaine, Esq; Chairman; and Richard Dorsey their Clerk.

Your Committee have Inspected the Books and Accounts of the said Office, and finding them not kept in that regular and distinct Manner, which has been recommended by former Committees, have not been able to examine thoroughly into the State and Condition of the same, or into the Conduct and Behavior of the said Commissioners or Trustees, and can therefore agree only to make the following Report, viz. L. H. J. Liber No. 49 Dec. 14

Your Committee, on Examination of the Iron Chest or Cash Account N.° 1. raised in the said Books, find, that on the 29th of September last (the Time the same were ballanced) there remained of the Money paid into the Office as Principal and Interest due on Loans, and of the Money paid in by some of the Officers concerned in collecting the public Funds, the Sum of £121 9 8¾. And from the Face of the Iron-Chest Account N.° 2 it appears, that at the Time abovementioned, a Ballance remained therein of £8865 1 5¾, whereof £3679 10 0 is liable to be drawn out by the Agents, by Order of his Excellency the Governor, to be applied as a Reward for Indian Scalps and Prisoners; £1881 19 8½ for other Purposes mentioned in the £40,000 Act; and the Sum of £ 3303 11 9¾ to be applied towards replacing the Sum of £5984 14 0 directed to be taken out of the said Office by the said Act, which leaves a Ballance of that Sum to be replaced of £2681 2 2¼.

It appears also to your Committee, that the Sheriff, Collector of Excise and Collector of the Land-Tax, for Cæcil County, have never yet made any Return, or paid in any Monies for the Excise on Liquors, or for the Land-Tax, or any other Rate or Duty imposed by the £40,000 Act; and that the Collector of the Land-Tax in Kent County, has never yet made any Return, or paid any Monies p. 184 for the Land-Tax; and that your Committee have Reason to apprehend, that several other Officers have been remiss in their Duty, tho' at this Time they have not been able to make so strict an Enquiry, as to justify their pointing them out particularly.

Your Committee, further considering the Irregularity of the Books and Accounts of the said Office, humbly offer it as their Opinion, that unless the Books and Accounts of the said Office are reduced to, and for the future kept in, the Italian Method, it will be extremely difficult, if not impossible, for any Committee, during the Sitting of Assembly, to make so full an Enquiry into the State and Condition of that Office, as the Public Security seems to require.

All which is submitted to the Consideration of both Houses of Assembly.

October 10,th 1757.

Walter Dulany,
Michael Earle,
Robert Lloyd,
John Bracco,
Alexander Williamson,
Matthew Tilghman,
Brice T. B. Worthington,
John Hanson.

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Which said Report was Read and Referred for Consideration the next Session of Assembly.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act to make Valid the Proceedings of the Session of Assembly lately held at Baltimore-Town; Indorsed, "By the Upper House of Assembly, 6th December 1757. Read the first time and Ordered to lie on the Table" and thus "By the Upper House of Assembly 7.th December, 1757. Read the second Time, and will not pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Mr. Edward Dorsey brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor; which was Read, Approved, and Ordered to be Ingrossed.

p.185 Ordered, That the Clerk of this House do make an exact Copy of the Bill, entituled, An Act for Granting a Supply of £20,000 for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting Ten Thousand Pounds thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments; as soon as possible, and deliver the same to his Excellency the Governor.

The House adjourns til 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

The following Message, viz.

By the Lower House of Assembly, 14th December, 1757.

May it please your Honours,

We send herewith Triplicates of the Petition to his most Excellent Majesty, Representation to the Lords of Trade and Plantations, and Address to the Lord Proprietary, and one to his Excellency the Governor, agreed to by the Conferees of both Houses, to be Signed by the Honourable President of your House, and presume you'll return them to be Signed by our Speaker. And we have appointed Mr. Matthew Tilghman, Col. Scarborough, Mr. Carroll, and Capt. Arthur Lee, to join such of your Members as you shall be pleased to appoint, to acquaint the Governor, That the Two Houses have an Address to present; and to present the said Address to him, together with the Petition, Representation, and Address before mentioned.

Signed ꝑ Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House by Mr. Matthew Tilghman and Mr. Carroll.

Col. Lloyd, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act continuing an Act, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer; Indorsed, "By the Upper House of Assembly, 12.th December 1757. Read the first time and Ordered to lie on the Table." And thus "By the Upper House of Assembly 14.th December 1757. Read the second Time, and will pass, the following Clause being added: And whereas some of the Laws and Votes of former Sessions of Assembly, have not been delivered to the respective County Clerks within the Time or Times by the said Act limited, whereby the said County Clerks were prevented from giving a Certificate or Certificates of their being delivered as required, to enable the several and respective Sheriffs to pay to the said Jonas Green, or his Order, the several and respective Sums of Money, by the said Act levied for his Use, for Printing and Delivering the Laws and Votes as aforesaid: Be it therefore Enacted by the Authority aforesaid, That the several and respective sheriffs within this Province, be, and are hereby obliged and required to pay to the said Jonas Green, or his Order, all and every Sum or Sums of Money heretofore levied for the said Jonas Green by the said Act; any Neglect or Want of such Certificate as aforesaid, or any Clause, Matter, or Requisite, in the said Act mentioned, to the contrary, notwithstanding.

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Dec. 14

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Signed ꝑ Order, J. Ross, Cl. Up. Ho."

On Reading the aforegoing Amendment, proposed by the Upper House to the said Bill, the Question was put, Whether the House doth agree to the proposed Amendment to be made, or Not? Resolved in the Affirmative.

For the Affirmative,

Plater,
Sothoron,
Key,
Williamson,
Hynson,
Rasin,
Tilden,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Hanson,
Dent,
Wilson,
Edmondson,
Govane,
J. H. Dorsey,
Owings,
Baker,
Ward,
Dulany,
Murdock,
Fraser,
King,
Scarborough,
Harris,
Chapline,
E. Dorsey.
[28]

For the Negative,

Lee,
M. Tilghman,
Cockey Deye,
Earle,
T. Gantt,
Lloyd,
E. Tilghman,
Sudler.
[8]

On Resolution of the aforegoing Question, the said Bill was Indorsed, "Read, and, with the Amendments proposed, passed for Ingrossing."

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Col. Tasker, from the Upper House, delivers to Mr. Speaker, a Bill, entituled, A Supplementary Act to the Act, entituled, An Act for his Majesty's Service, and further Defence and Security of this Province; Indorsed, "By the Upper House of Assembly, 14th December, 1757. Read the first and second Time by an especial Order, and will pass.

Signed ℘ Order, J. Ross, Cl. Up. Ho."

Which Bill was Read here the first Time, and Ordered to lie on the Table.

The House adjourns til the Morrow Morning at 9 of the Clock.

Dec. 15

Thursday, 15th December, 1757.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Reading the Report brought in by Mr. Lloyd, from the Committee appointed to examine the Agents Accounts, &c. the same is Referred for Consideration the next Session of Assembly.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer, was Read and Assented to, and sent to the Upper House, with the Paper Bill thereof, by Major Hynson and Mr. Hanson.

The following Message, viz.

By the Lower House of Assembly, 15th December, 1757.

May it please your Honours,

We conceive the Bill herewith sent to be a Money-Bill, as it alters the Appropriation of Public Money, and have therefore returned it without giving it a second Reading. As the Business before this House is compleated, and the Season so far advanced, that the Severity of the Weather may probably incommode us greatly in returning to our respective Homes, we must request your Honours will dispatch what Business lies before you, that a speedy End may be put to this Session.

Signed per Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House, with the Bill, entituled, A Supplementary Act to the Act, entituled, An Act for his Majesty's Service, and further Defence and Security of this Province, by Mr. Worthington and Mr. Sudler.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland: L. H. J. Liber No. 49 Dec. 15

The humble Address of the House of Delegates.

May it please your Excellency,

In Answer to your Message, communicating to us a Copy of a Letter from the Earl of Loudoun, we can only say, could we have had the Pleasure of seeing his Lordship here, we are persuaded we should have been able to have shewn our Conduct, relative to making Provision for his Majesty's Service and our own Security, in such a Light as might have been satisfactory to him, and to every one else who has the Safety and Prosperity of the good People of Maryland, and indeed the Prosperity and Safety of his Majesty's Subjects in North-America, so warmly at Heart as we are fully convinced his Lordship has; and we esteem ourselves particularly unfortunate that the Business his Lordship is engaged in, has deprived us of that Pleasure: But as that is the Case, and as his Lordship is desirous to know our Proceedings, we must request your Excellency will be pleased to send his Lordship a Copy of the Bill we this Session offered to the Upper House, as soon as the same shall be delivered you by our Clerk, by which, and the Situation of Fort Cumberland, as it appears to us at present with regard to the Protection of our Frontier Inhabitants (which we beg Leave to trouble your Excellency with, presuming you will transmit it to his Lordship); we flatter ourselves his Lordship will be convinced our earnest Endeavours for his Majesty's Service, and our own Security, have not been wanting. p. 188

Fort Cumberland, we are informed, was first begun by some Gentlemen of the Ohio Company, as a Store-House of their Goods, designed for the Ohio Indian Trade, and never was Garrisoned by Troops stationed there by the Direction of any Law of this Province, but commonly by Virginia Forces. That Fort, we have too much Reason to believe, from an Extract of a Letter from your Excellency to the Secretary of State, laid before the Lower House in September Session, Seventeen Hundred and Fifty-six, in which are the following Words, "There are no Works in this Province that deserve the Name of Fortifications; just behind and among our Westernmost Settlements, are some small Stoccado or Pallisadoed Forts, built by the Inhabitants for the Protection of their Wives and Children; and besides these, there is one larger, tho' in my Opinion not much more capable of Defence, on Patowmack, about 56 Miles beyond our Settlements; it has been distinguished by the Appellation of Fort Cumberland, and is at present Garrisoned by Three Hundred Men from Virginia; it is made with Stoccadoes only, and commanded almost on every Side by circumjacent Hills; a considerable Quantity of Military Stores that was left by General Braddock, still remains there, and Ten of the Carriage Guns that his Majesty was pleased p. 189

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to order to Virginia Two Years ago, are mounted therein;" is not tenable against even a trifling Force, should they come with any Cannon; and therefore humbly submit it, whether it might not be a prudent Measure to remove his Majesty's Artillery and Stores (tho' indeed the Provisions, we are told, are chiefly spoiled) from thence to a Place of greater Security.

Tho' Fort Cumberland may be constructed, for any Thing we know, near a Place proper for the stationing a Garrison at for his Majesty's Service in general, yet being, as we have been informed, between Eighty and Ninety Miles from the Settlements of the Westernmost Inhabitants of this Province, and in the Truth of that Information are confirmed by your Excellency's Message of the 11th of this Instant, wherein you say, "the Distance from Fort Frederick to Fort Cumberland by the Waggon Road is 75 Miles," and consequently the Carriage of Provisions thither very expensive; we humbly conceive it cannot be reasonably desired, that the People of this Province should be burthened with the great Expence of Garrisoning that Fort, which if it contributes immediately to the Security of any of his Majesty's Frontier Subjects, it must be those of Virginia or Pennsylvania, who do not at present contribute any Thing towards the Support of it that we know of.

We understand the most common Track of the Indians, in making their Incursions into Virginia (which have been lately very frequent) is through the wild desart Country lying between Fort Cumberland and Fort Frederick, and yet we cannot learn that the Forces at Fort Cumberland (tho' most of these are in our Pay, the Summer past have been stationed there contrary, we humbly conceive, to the Law that raised them) have very rarely, if ever, molested those Savages in those their Incursions; from whence we would willingly presume their Passage is below the Ranges, which Troops stationed at Fort Cumberland can with Safety to that Fort extend themselves to; and p. 190 consequently, that any Security arising from those Troops, even to the Virginians who are most in the Way of being protected by them, must be very remote, and to us much more so.

When, from the Incursions and horrid Depredations of the Savage Enemy in the neighbouring Colonies, an Opinion prevailed, that a Fort was necessary for the Defence and Security of the Western Frontier of this Province, it was thought most likely to be conducive to those Ends, to have it placed some where near the Place Fort Frederick is now constructed; because from thence the Troops that might be judged proper to be kept on Foot for the Security of the Frontier Inhabitants, might have it in their Power to Range constantly in such Manner as to protect them against small Parties; and in Case any considerable Body of the Enemy should appear, or the Fort should be attacked, the Troops might, at a very short Warning, be assisted by the Inhabitants.

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Near the Sum of £6000 has been expended in purchasing the Ground belonging to and constructing Fort Frederick; and tho' we have not any exact Information what Sum may still be wanting to compleat it, (if ever it shall be thought proper to be done) yet we are afraid the Sum requisite for that Purpose, must be considerable, and we are apprehensive that Fort is so large, that in Case of an Attack, it cannot be defended without a Number of Men larger than this Province can support, purely to maintain a Fortification. We have raised and supported on our Frontier, at a vast Expence, a Number of Men considerably more than sufficient, we humbly apprehend, for our Immediate Defence and Security, had they done the Duty to which they were destined by Law; and yet our Militia has been great Part of the Time out on that Service.

Tho' we did last Spring, in Expectation that his Majesty's Forces would act offensively to the Westward, increase the Number of Troops in the Pay of this Province to Five Hundred, in order that when upon any Emergency his Majesty's Commander in Chief, or p. 191 Person properly authorized, should judge it expedient to march any Part of the said Five Hundred Men from the Frontier of this Province, he should command them all, except so many as the Governor or Commander in Chief of this Province for the Time being, should judge necessary for the more immediate Defence and Protection of the Frontier Inhabitants thereof, which were to be left at Fort Frederick, and were to Range as by that Act is directed; yet those Troops being chiefly made use of for Garrisoning Fort Cumberland, where they could be of very little if any Service to our Frontier Inhabitants, we did, in our Bill sent to the Upper House this Session, make Provision for supporting only Three Hundred Men (thinking that Number full enough) to be stationed at Fort Frederick, and to act as Rangers for the immediate Defence and Security of our Frontier Inhabitants, hoping their Conduct for the future might be better than it had been, and that they might do the Service destined them by that Bill; and we hope we have Power so to do. We would not willingly act in Opposition to the Powers, with which his Majesty has been graciously pleased to invest the Earl of Loudoun, but would freely contribute every Thing which can reasonably be desired of us, consistent with the Trust reposed in us, for supporting his Lordship in the Exercise of that Power, as well as in the Execution of all his Majesty's Royal Commands, for defeating the ambitious Designs of our common Enemy; and more, we are firmly convinced our Gracious Sovereign does not nor ever will require of us.

And we hope we may be permitted on this Occasion to observe, that as we have granted Three Thousand Pounds towards Recruiting his Majesty's Royal American Regiment, and have passed a Law for Payment for Servants which have been Enlisted into his Majesty's Service, which must considerably burthen the Public, we have the less

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Reason to apprehend it will be required of us alone to support a Garrison at a Fort so little useless as Fort Cumberland must be towards the Security of our Back Inhabitants.

May it please your Excellency,

As we have been so unhappy as to have our Endeavours for his Majesty's Service, and our own Security, frustrated, by the Non-concurrence of the Upper House to our Bill, we know not what other Measures to fall upon at this Time, consistent with the Trust reposed in us, to bring about those desirable Ends; and as the Severity of the Season now makes our sitting here uncommonly irksome, and must p. 192 shortly render our getting to our Homes extremely difficult, we hope we shall be excused from entering upon any Thing new this Session.

Which Address was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Reynolds and Mr. King do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will be pleased to receive it: They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address at his House immediately.

Ordered, That Mr. Lloyd, with Three more, do present the Address.

The House proceeded to Tax the Bill, entituled, An Act to impower Susanna Risteau, Widow and Administratrix of Talbot Risteau, late of Baltimore County, Deceased, to Sell the House and Lands therein mentioned, for the Payment of the Debts of the said Talbot Risteau;

To the Honourable Speaker,......	£4 0 0
To the Clerk,..................	2 0 0

Col. Tasker, from the Upper House, delivers to Mr. Speaker, the following Address to his Excellency the Governor; an Address to the Lord Proprietary, a Petition to his Majesty, and a Representation to the Lords of Trade and Plantations; which were severally Signed by the President of the Upper House.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the Upper and Lower Houses of Assembly [to the Governor]

[This Address is printed in full in the Upper House Journal pp. 186-187]

The humble Petition of the Upper and Lower Houses of Assembly [to the King]

[This Petition is printed in full in the Upper House Journal p. 187]

The humble Representation of the Upper and Lower Houses of Assembly [to the Commissioners of Trade and Plantations]

[This Representation is printed in full in the Upper House Journal pp. 187-190] L. H. J. Liber No. 49 Dec. 15

The humble Address of the Upper and Lower Houses of Assembly [to the Lord Proprietary]

[This Address is printed in full in the Upper House Journal p. 190]

Which said Petition, Representation and Addresses, were severally Signed, by Order of the House, by the Honourable Speaker. p. 198

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

As there are, in your Address of the second Instant, some Insinuations that seem calculated to injure my Character, I think it proper, before I enter upon any other Parts of that extraordinary Address, to submit to the disinterested and impartial Reader, whom you are pleased to appeal to, a plain Narrative of those Transactions or Proceedings of mine, which you conceive I should be desirous of Concealing, and would have judged improper for the Knowledge of the Public.

By an Act of Assembly that was made here in July 1754, upon the News of the Virginia Forces having been Defeated at the Little-Meadows, the Treasurers and Commissioners of the Loan-Office were directed to pay to Myself, or the Governor of the Province for the Time being, the Sum of £6000 to be applied towards the Defence of the Colony of Virginia, and his Majesty's Dominions, and the Relief and Support of the Wives and Children of the Indian Allies, that should put themselves under the Protection of this Government, at such Times, and in such Sums, as I or the Governor of the Province for the Time being, should judge necessary. As soon as this Act was passed, I advised Governor Dinwiddie thereof, and desired him to tell me, how he thought the said Money might be most usefully expended for his Majesty's Service; and upon his giving it as his Opinion, that a Company of one Hundred Soldiers ought to be raised in Maryland, to act in Conjunction with the Troops that were then on the Frontiers of Virginia, under the Command of Colonel Innes, I forthwith issued Commissions for raising such a Company.

As it was then expected that these Men would be immediately employed beyond the Allegany Mountains, where Provisions were not at all Times to be easily got, as the Virginians had to their Cost experienced, I impowered and directed Colonel Cresap, who lived in the Westernmost Part of the Province, to purchase and lay in as much Flour and Salt Provisions as could be consumed by One Hundred Men in Twelve Months; and to enable the Colonel to purchase every Thing at the cheapest Rate, I did, on the 30th of August,

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and at several Times afterwards, advance him as much Money, as made together, the Sum of £1750 Currency, which he engaged to account for to my Satisfaction. When the Officers had recruited about fifty Men, some of them were ordered to march with them, and encamp on Colonel Cresap's Plantation, where they continued until November, and then proceeded to join his Majesty's Three Independent Companies, that were then employed in building Barracks at the Place since known by the Name of Fort Cumberland; from the Time that the Men reached Conococheague, they were Victualled by Colonel Cresap, out of the Provisions which he had Purchased in Pursuance of my Order. In the same Month, to wit, November 1754, having received the King's Order to take Command of all the Troops that had been, or that should be, raised in these Colonies, for his Majesty's Service, I called another Assembly, in Hopes that they would have enabled me to Answer, in some Degree, his Majesty's Expectations and Intention in Honouring me with such a Commission; and, about the same Time, I gave Colonel Cresap Orders to purchase a Number of fatted Beeves, and to feed them till they should be wanted; in the hopes which I had conceived from the Assembly I was however disappointed; and an End was put to the Session the 24th of December, and I was very soon after informed, that his Majesty had been graciously pleased to order a General Officer, and Two Regiments of Regular Troops, to embark for Virginia. Between the End of this Session, and the 22d of February 1755, when the Assembly met again, I had been told that some of the Gentlemen had said, " there could be no Reason for granting any more Money for his Majesty's Service, before the Sum which had been given in July was nearly expended; " and therefore to obviate that Objection, I thought proper, on the 26th of that Month, to lay before the House a general Account of sundry Sums that had been already paid out of the £6000 or that were then supposed to be due out of that Money, together with the following Message:

" Gentlemen of the Lower House of Assembly,

The inclosed Papers will acquaint you, in general, how Part of the £6000 granted by an Act passed in July last, has been expended for his Majesty's Service.

Hor.° Sharpe "

Among these Papers were some Muster-Rolls, which had been returned by Capt. Dagworthy, and Three or four Papers that I had received from Colonel Cresap; these were not, to the best of my Remembrance, either dated or signed by Colonel Cresap, or any other Person; but they served to shew that the Colonel had either laid in or engaged as much Flour, Salt Provisions, Live Stock, &c. as would, with the Waggon Hire, and other contingent Charges, and including the Price of some Saws, Blankets, &c. which he had supplied the Soldiers with, cost £1839.

The Money that had been disbursed for raising and cloathing the Company of Soldiers commanded by Capt. Dagworthy, and to pay the Officers and Men to a certain Day in February, amounted to upwards of £2000 and it was estimated, that several contingent Charges (Accounts of some of which had been delivered in to me, and others not) would amount to upwards of £1000 more, so that there was by the Estimate I had then made, very little more than £1000 remaining and unengaged of the whole £6000 which had been granted in the preceding Summer. After the Assembly was Prorogued (which it was the 26th of March) I sent, according to Custom, for the several Letters, and for all the Papers, that I had laid before the House during the Session, they were accordingly all returned to me; but whether those Papers were sent or brought to me by the Clerk of the House, or the Clerk of the Committee, I cannot say I at this Time perfectly remember, the Transaction having happened near Three Years ago. After the Conclusion of the Session, there was likewise returned to me, as usual, a Copy of the Journal of the Proceedings of the Lower House during that Session; and on perusing it, I found therein, a Report of a Committee which had been appointed to examine the Papers that I had laid before the House with my Message of the 26th of February. It appeared that the Report had not been concurred with by the House, and for that Reason I suppose was never Printed in the Journal; but as I perceived that the Committee had made many Remarks on Colonel Cresap's Papers, Estimates or Accounts, or whatever you will be pleased to call them, and Reported that many of his Charges were Extravagant, I thought it was very proper he should be acquainted with the Committee's Opinion of him, and therefore I took a Copy thereof, and ordered Mr. Ridout to send it to the Colonel, together with the said Papers, by the first Opportunity of Conveyance, and at the same Time to desire, that he would immediately call in all the Accounts of the People from whom he had purchased any Thing for the Use of the Troops, and that he would then make out and send down, with proper Vouchers, a regular, methodical, and clear Account of every Thing that he had purchased, and of the Money which he had paid, for any Services done by my Order. L. H. J. Liber No. 49 Dec. 15 p. 200

If it should be still insisted on by any Person, that these Papers of Colonel Cresap's were really Accounts, I shall only say, that whatever Light they may have appeared in to any one else, I did not consider them as such, when I laid them before the House; and for this I appeal to Mr. Waggaman, a Member of your House, who was p. 201 one of that Committee, and remembers, that during the Session held in February 1755, I Declared, that by sending those Papers to the House, I intended nothing more than to shew what Colonel Cresap's Demand, on a Settlement, might in all Probability be. But let it be supposed they were returned by Col. Cresap as proper Accounts,

L. H. J. Liber No. 49 Dec. 15 and by me laid before the House as such; ought I not, when the Committee had Reported "that they were stated in a dark, confused, and unintelligible Manner," to have withdrawn and sent them back to Col. Cresap, in order that he might have Stated them in a more clear, methodical, and intelligible Manner; or would they have become less dark and obscure by lying till this Time, or till the next Session, in the Hands of the Clerk? But to proceed with the Narrative: A few Days after I had desired Mr. Ridout to return the Papers to Col. Cresap, viz. about the Middle of April 1755, he accompanied Sir John St. Clair to Winchester, and as the Road thither lay by the Mouth of Conococheague, he took the Papers with him, and gave them to Mr. Thomas Cresap, who then lived at that Place, together with the said Extract from the Committee's Report, and the Letter which he had writ to the Colonel in Pursuance of my Order.

It happened that just before General Braddock marched from Fort Cumberland, one of the Officers who served under him, had Enlisted some of Mr. Lowndes's Ship-Builders, whom he could very ill spare, and was glad to recover at any Rate; his Case being represented to me, I writ to Capt. Orme, one of the General's Aid-de-Camp's, in order to obtain their Releasement or Discharge, and at the same Time ordered Mr. Ridout to write to Col. Cresap, who lived as it were on the Spot, to desire him to receive the Servants, and convey them back to their Master. Capt. Orme's Answer made it necessary for Mr. Ridout to write a second Letter to Col. Cresap, and as the Colonel had hitherto neglected to send me down such an Account as I had required, I thought it not amiss to remind him thereof, and desired Mr. Ridout to do so in the Letter that he was then writing, which was, I find, dated the 28th of May, 1755, and contained, among others on different Matters, the Paragraph that you have in your Address quoted.

The Colonel still neglected to comply with my Requisitions, and tho' he was again called upon to do so when I went to Fort Cumberland in July 1755, and once or twice afterwards, yet he still declined rendering such an Account as I had for my own Satisfaction, as well as the Satisfaction of the Assembly, always insisted on. This being the Case, and the £6000 expended, I proceeded to close my Account thereof, in order that it might be ready to lay before the Assembly, p. 202 at the then ensuing Session, which was begun the 23d of February 1756: In this Account I charged Col. Cresap with the £1750 which I had advanced to him, as you will see upon recurring to my said Account; and tho' I apprehended that there was a Ballance due to him, yet I thought he could have little Reason to complain of my referring him to the Assembly for Payment, since he had been so exceedingly dilatory in settling his Account, and making his Demand.

After the Assembly was met, the Colonel came to me with a large Bundle of Papers, which he said was his Account, and the Vouchers that I had required of him; I told him that I was Busy and had not Leisure at that Time to examine them, nor Money in my Hands to pay any Ballance that might, on Examination, appear due to him, but that I would immediately send his Account and Vouchers to the Gentlemen of the Lower House of Assembly, who would appoint a Committee to examine them, and if his Account was found unexceptionable, would make some Provision for his being paid what he should have a Right to demand, and in all Probability allow him a good Commission, or handsome Reward, for his Trouble. L. H. J. Liber No. 49 Dec. 15

Accordingly on the 6th of March, 1756, I sent his Bundle, together with my Account, to the then Lower House, with a Message, from which the following is an Extract:

"Gentlemen of the Lower House of Assembly,

"Inclosed you have an Account how the £6000 that was Granted by the last Assembly for his Majesty's Service, has been expended: As I have not Time to examine Col. Cresap's Accounts, I must desire your Committee to do it; and have ordered him to attend for that Purpose."

By the Journal of the Proceedings of the House, it appears that this Message of mine was taken into Consideration the 9th Day of that Instant March, and a Committee appointed to enquire into the Accounts and Papers therein mentioned.

How far this Committee proceeded in the Examination of the Papers, and to what it was owing that the Gentlemen made no Report on them, they best know; the Session continued more than Ten Weeks after these Accounts were laid before the House, and Col. Cresap attended the Committee, as I have been told, agreeable to my Order. If the Gentlemen did not proceed for want of any Information that they imagined I could give them, or of any Papers which I could have procured for them, they were much to Blame in not moving the House to Address me on the Occasion, as they had, till that Time at least, by your Account, all the Reason in the World to believe, p. 203 that I should have most readily given them all the Information, and have afforded them all the Assistance, in my Power.

Had the Gentlemen of the Committee thought it necessary to have taken that Step, I will venture to say, neither I, nor my Secretary, should have been Charged with having exchanged any Papers, of having taken away one Account privately and put another in it's Place; or of having done any Thing whatever, which it could be the Interest or Wish of either of Us, or of your Clerk, to conceal.

Having now told you what I know about the Papers, which you say were missing out of your House, and shewn the disinterested Reader, from your own Journal, how others came before you, or in their Place, as you are pleased to phrase it; I shall leave it to those that may read your Address, and my Answer, to judge of your Candour, and my Guilt.

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If the disinterested Reader could conceive that you, I mean such of you as were Members of the late Assembly, knew almost Three years ago, as much as he will when he has read thus far, he would, I doubt not, be surprized at your desiring any Body to attend, at this Time, in order to give Evidence against your Clerk; and he might perhaps ask, Whether it would not have been as proper to Reprimand your Clerk, when his Offence was first discovered (supposing he had Offended) as at the Beginning of the present Session; and, how it happened, that his Misconduct was not Censured during either of the Sessions that were held in March and September 1756, and in April 1757; But, not to enumerate all the Questions that such a Person might be naturally supposed to ask upon Reading that Part of your Address where you assign a Reason for requiring Mr. Ridout to attend your House, at the Beginning of the present Session, I shall proceed to Mr. Ridout's Relation of what passed in your House, after he did attend, which I choose to give you in his own Words.

As I perceive that the Account, which the Honourable the Lower House of Assembly has been pleased to give your Excellency, of what is said to have Passed in that House, the 30th of September last, while I was present, differs in some Particulars from the Account I gave some Gentlemen the Instant I came out of the House, and from the Minutes which I took that Day immediately on my Return Home, p. 204 I take the Liberty to mention to your Excellency, some Circumstances that may perhaps have been thought too Trivial to be taken Notice of by the Gentlemen of the Lower House, in their Address to your Excellency of the 2d Instant; but which are, in my humble Opinion, at least as Material as several others that seem to be therein dwelt on. As soon then as I had entered the House, in Consequence of a Message sent me by the Speaker, for whom I had a particular Respect, the Door was shut, and Care taken that no other Person might be admitted: After I had been there a short Space of Time, the Speaker addressed himself to the House, and asked the Gentlemen, Upon what Account he had been desired to send for me, and, what Questions they would have me ask'd? A Member thereupon standing up, and saying, The House wanted to know what Papers those were that were mentioned by Mr. Ridout in a Letter which he had some Time since wrote to Col. Cresap, and how he came by them, the Speaker addressed himself to me, and Questioned me agreeable to the Gentleman's Motion; Col. Cresap being seated on my Right Hand, I turned towards him, and desired he would let me see the Letter that the Speaker referred to; in Compliance with my Request, he immediately drew the Letter out of his Pocket and handed it to me: After I had perused it, I observed to the Speaker, that the Letter appeared by it's Date to have been writ a great while ago, and said, I did not remember any Thing about the Papers therein mentioned, but that I would take the Letter Home with me, and if I should recollect what

Papers they were, would give the Colonel an Answer. Upon this, another said, that indeed he had not Read the Letter, but as it seemed to be of some Consequence, he thought I ought not to be permitted to take it out of the House: He moved however, that the Clerk might be Ordered to let me have a Copy of the Letter, or of that Part of it where the Papers were mentioned. When I perceived by the Beginning of the Gentleman's Speech, what he was going to say, I offered the Letter to One that was near me, to be returned to Col. Cresap, but another Member put out his Hand and took it, and then holding it to me, asked, Whether the Name subscribed was my Hand-writing? to which I answered, Sir, I shall not think proper to Answer your Questions. In Consequence of the abovementioned Proposal, the Speaker ordered the Clerk to let me have a Copy of that Part of the Letter which related to the Papers in Question, or of the Whole, if I desired it; whereupon I said, that perhaps the other Parts of the Letter might serve to refresh my Memory, but added, that I did not, or, should not, apply for a Copy of the Whole, or a Part; and that since the Governor's Name was mentioned in the Letter, I must desire to be excused from Answering any more Questions concerning it. I was then desired to withdraw, which I accordingly did; but a short Time afterwards was sent for again, and on my Return to the Bar of the House, I was asked, How the Papers, about which I had been before examined, came into my Possession? I said, as before, that it was a great while since the Papers had been in my Hands, that it was evident from the Letter that what I had done was by the Governor's Order, and that I must therefore desire to be excused from Answering any more Questions. A Member then said, Perhaps the Gentleman imagines there is much more Intended by this Enquiry, than there really is, and therefore it may be proper to explain to him what it is the House is desirous of Knowing. I intimated to the Gentleman, that he need not take that Trouble; for that I had already Answered as much as I should think fit. After a short Pause, the Speaker said, You see, Gentlemen, that Mr. Ridout declines Answering: I suppose he may withdraw. It was then moved, that I might be Ordered however to attend in the Afternoon; whereupon the Speaker told me, that I might withdraw, but that I must attend the Sitting of the House in the Afternoon: I said, I have received Orders from the Governor to do some Business of his, in the Afternoon, and I must attend that. I was then, upon the Motion of some Gentleman, Ordered to withdraw; which I did, and returned Home, it being then about One o'Clock. What happened after this, your Excellency is no Stranger to: Had I been to give a Detail of what Passed while the Serjeant was in your Excellency's House, I should have varied a little from the Account which he is said to have given; but that Transaction is not, I apprehend, of very great Consequence.

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As there are several Expressions in the Address, which has given Occasion to this Narrative, that seem to imply that the Gentlemen of

L. H. J. Liber No. 49 Dec. 15 the Lower House would not have known that the Papers in Question went through my Hands, if they had not learn'd it from my Letter to Col. Cresap of the 28th of May, 1755, I cannot help observing to your Excellency, that a few Days after you sent Col. Cresap's Bundle of Papers, with a Message, to the late Lower House of Assembly, a p. 206 Messenger came to me, as he said, from some Gentlemen of the Committee, (who had been informed as I understood by the Clerk, of the Papers having been returned to your Excellency) and told me, that they wanted those Accounts of Col. Cresap's, which had been heretofore laid before the House; I told him, that I would wait on the Gentlemen in the Afternoon, and give them an Answer. It happened that just as I came on the Parade the House was adjourned, but I addressed myself to one of the Committee, as I understood, and acquainted him with my Design of coming thither. I told him what I knew about the Papers, and said, I presumed Col. Cresap would readily lay them before the Committee, in case they should think proper to call on him for them. Since the Beginning of this Session, Mr. Casson, who was a Member of that Committee, as well as One of that which was appointed in February 1755, has told me, he remembers well, that when some of the Committee asked after the Papers, in March 1756, Col. Cresap told them that he had left them at Home: And if any Gentleman of the present House, has a Desire to see those Papers, I have Reason to believe that Col. Cresap, who is now a Member, will be able to produce them. I think it incumbent on me to observe farther to your Excellency, that if the Gentlemen had only wanted a Witness against their Clerk, they need not have sent for one out of the House, for I have been well informed, one of the Members has said, since I was before the House, that if the Gentlemen had Questioned him concerning the Papers, instead of sending for me, he could have told them how they went out of the House, and that he was not the only One among them that could have given them such Information. But whatever the Gentlemen's Design was, in desiring that I might be sent for, I find, that from my declining to answer about a Matter which I could not instantly recollect, an Occasion has been taken to calumniate and asperse my Character. False Stories have been artfully and most industriously propagated through the Province. Many People have been made to believe, that the Sum of £40,000 which was Granted some Time since for his Majesty's Service, had passed through my Hands, and that I absolutely Refused to Account for it: This I have been advised of by Mr. Waggaman, a p. 207 Member of the House, who did me the Justice to undeceive the People whom he heard mention it. In some Counties it has been alledged, that I denied my Hand-Writing; and in Others, that I had Stole an Account which had been passed by the Assembly, and secretly put another in it's Room, by your Excellency's Order, with a View of Defrauding the Public of several Hundred Pounds. To whose Generosity I am indebted for these secret Services, I have not been yet able to learn; but I must rely principally on the Justice and Candour of the Gentlemen of the Lower House, who are sensible there was not the least Foundation for such villainous Reports, to vindicate my Character, and to represent the Affair in it's true Light, to such of their Constituents as may ask them Questions concerning it." L. H. J. Liber No. 49 Dec. 15

I forbear making any more Remarks upon this unlucky Affair of Mr. Ridout's, as you call it; but shall proceed to take some Notice of that Part of your Address, where you are pleased to Declare, "That you know nothing about the Rights and Privileges of those Gentlemen, that are said to constitute another Branch of the Legislature, as it is a Branch undevised in our Charter, and unknown in it's Original;" a Declaration that differs very little, I think, from one that was made here in the Days of Governor Fendall. That Gentleman, having been opposed in some of his Measures by the Council, agreed, as it should seem, with some of the great Speakers and Leading Men among the Burgesses, to Destroy the Upper House, and Subvert the Constitution: To bring this about, it was so ordered, that the Speaker and the Members of the Lower House, should go in a Body to the Upper, and tell the Governor and Council that they could not allow them to be an Upper House, or a distinct Branch of the Legislature; but that, if they pleased, they might take Place in, and become a Part of the Lower; the Governor readily accepted the Offer, and was received as their President. The Secretary, and other Gentlemen of the Council, Protested against such a Step, as a manifest Breach of his Lordship's Rights, Royal Jurisdiction and Seigniory, and desired Leave to enter their Reasons; but they were not suffered. As soon as this Affair was known in England, proper Measures were taken to restore the Constitution and Government: Another Governor was appointed, the Upper House re-assumed their Authority, Rights and Privileges, and Mr. Fendall, and the Chiefs of the Faction, were apprehended, tried, and convicted of Rebellion; their Lives were with some Difficulty spared, but the Punishment inflicted on them, by Loss of Goods and Imprisonment, was thought sufficiently Exemplary, to deter all future Governors, and Leading Men, from imitating their Conduct. p. 208

But you may still insist, that this does not at all shew, how the Upper House originally became a Branch of our Legislature, and a Part of our Constitution, I shall therefore endeavour to give you Satisfaction in that Point, hoping it will lead you to enquire after the Rights and Privileges of that House, as well as those of your own, and that it will make your Constituents less forward, for the future, to subscribe any such Petitions as were, some Time ago, put into the Hands of many of them, by several Gentlemen who were Members of the late Lower House of Assembly.

L. H. J. Liber No. 49 Dec. 15

If you will only recur to the Charter that was granted by his Majesty King Charles the First, to the Noble Ancestor of our present Right Honourable Proprietary, you may find, that among many others, that King was pleased to vest his Lordship with a Power of making Laws, with the Assent of the Freeholders of this Province, or of their Representatives; and, moreover, left it entirely to his Lordship to Convene the said Freeholders, or their Representatives, after such Manner, Sort or Form, as he should, in his Discretion, judge proper.

The first Settlement that was made in this Province, after the Lord Baltimore had obtained his Patent, was made by his Lordship's Brother, and between Two and Three Hundred other Persons, in February 163⅔ [sic]. As the Lord Proprietary spared no Trouble or Expence to procure Adventurers, the Number of Inhabitants increased apace. His Lordship after a while, thinking it necessary, for their better Government, that Laws should be Enacted, by certain Instructions dated the 15th of April, 1637, impowered his Brother, who had, from his Arrival here, acted as Captain General or Governor, to call a General Assembly of the People for that Purpose. In Pursuance of these Instructions, Summonses were issued through the Hands of the Sheriff, requiring the Freemen to attend in Person, or appoint their Proxies to appear, at St. Mary's the 25th of January, 1638/7 [1637/8], but, the Secretary, and other Members of his Lordship's Council, were called by a particular Summons, directed to each of them. At the Opening of the Session, there appeared, from the p. 209 several Hundreds of St. Mary's County and Kent-Island, Twenty-four Persons, besides the Members of the Council, and the Governor, who, during this, and several other Sessions, sat as President, and directed all Things that the Governor, who, during this, and several other Sessions, sat as President, and directed all Things that concerned Form and Order. Some Bills, which had been already prepared, were produced in the House; but they not being agreed to, a Committee was appointed to frame others, and the Assembly was adjourned. On the 24th of March following, they agreed to several Drafts or Bills, which the Governor was desired to send to England, for his Lordship's Approbation; among these, was One, or Part of One, touching General Assemblies, contained in the following Words: "The Lieutenant-General, and Secretary (or his Deputy), and Gentlemen summoned by special Writ, and One or Two Burgesses out of every Hundred (at the Choice of the Freemen) at any Time hereafter assembled, shall be judged a General Assembly." Whether these Drafts or Bills were ever approved of by his Lordship, does not, I believe, appear upon Record; but, on the 25th of February, 1638/9, another General Assembly being then called, after the same Manner as the former, and the Governor being then impowered to Assent, in his Lordship's Name, to any Bill or Act that should be by the

General Assembly agreed to, an Act was formally passed by the Governor, on the 12th of March following, For Establishing the House of Assembly, and the Laws to be made therein, viz. L. H. J. Liber No. 49 Dec. 15

Whereas the King's Majesty, by his Letters Patent, hath given and granted full, free, and absolute Power and Authority, to the Lord Proprietary of this Province, to make and ordain any Laws, appertaining to the State of this Province, by and with the Advice, Assent, and Approbation of the Freemen of the same, or of the greater Part of them, or of their Delegates, or Deputies, and to that End, to assemble the said Freemen, or their Delegates, or Deputies, in such Sort, and Form, as to the said Lord Proprietary should seem best; by Virtue hereof several Writs, or Summons, have been directed to certain Gentlemen, to appear personally at this Assembly, and to the Rest of the Freemen, inhabiting within the several Hundreds of this Colony, and the Isle of Kent, to Elect their Delegates, or Deputies, in their Names and Stead, to be present at the same; and, accordingly, all the Freemen of the said several Hundreds, and of the Isle of Kent (some few excepted) have Elected certain Persons to that End; and the same, their Election have subscribed and returned upon Record, and their said Delegates, and Deputies, are now assembled accordingly: Be it therefore Enacted and Ordained, by the said Lord Proprietary, and with the Advice, Assent, and Approbation of the Freemen, and of the Delegates, and Deputies, assembled at this present Assembly, that the said several Persons, so Elected and Returned as aforesaid, shall be, and be called, Burgesses, and shall supply the Places of all the Freemen, consenting or subscribing to such their Election, in the same Manner, and to all the same Intents and Purposes, as the Burgesses of any Borough in England, in the p. 210 Parliament of England, useth to supply the Place of the Inhabitants of the Borough whereof he is Elected Burgess; and that the said Gentlemen, and Burgesses, and such other Freemen (not having consented to any the Elections as aforesaid) as now are or shall be at any Time assembled, or any Twelve or more of them, whereof the Lieutenant-General, and Secretary of the Province, to be always Two, shall be called the House of Assembly, and that all Acts, or Ordinances, assented unto, and approved, by the said House, or by the major Part of the Persons assembled, and afterwards assented to, by the Lieutenant-General, in the Name of the said Lord Proprietary, and shall be adjudged, and established, for Laws, to all the same Force, and Effect, as if the said Lord Proprietary, and all the Freemen of this Province, were Personally present, and did assent to, and approve the same."

From this Time, to the Year 1649, the Assemblies were called, after the same Manner, with this Difference, that sometimes the Governor would require a Hundred, or District, to send only One, or Two Delegates, and at other Times, Three, Four, Five, or Six; but the Members of his Lordship's Council were always particularly

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called, and it could be No House, unless the Governor and Secretary were present.

In the Year 1642, the Burgesses desired the Governor, to suffer the Gentlemen that then composed the Assembly, to be separated, so that the Lieutenant-General, and Members of his Lordship's Council, might compose one House, and the Burgesses another, but the Governor would not comply with their Request.

The Lord Baltimore, however, was pleased to approve of this Proposal afterwards, and in the Year 1649, the Governor, and Members of his Lordship's Council, (being Eleven in Number), became one House; and the Burgesses, with their Clerk, (whom the Governor appointed), became another House: An Act was made, For Settling the House of Assembly by Two distinct Houses, which was approved of by his Lordship, and is as follows,

Be it Enacted by the Lord Proprietary, with the Advice and Consent of the Council and Burgesses of this Province, now Assembled, That this present Assembly, during the Continuance thereof, be held by Way of Upper and Lower House, to sit in Two distinct Rooms apart, for the more convenient Dispatch of the Business therein to be consulted of, and that the Governor and Secretary, and any One or more of the Council for the Upper House; And Mr. John Hatch, Mr. Walter Beane, Mr. John Medley, Mr. William Brough, Mr. Robert Robins, Mr. Francis Poesay, Mr. Philip Land, Mr. Francis Brooke, Mr. Thomas Matthews, Mr. Thomas Sturman, Mr. George Manners, Burgesses of St. Mary's County, Captain Robert Vaughan, Commander and Burgess for the Isle of Kent, Mr. George Paddington, and Mr. James Cox, Burgesses for the Part of the Province now called Providence, or any Five or more of them, for the Lower House, together with the Clerk of that House for the Time being, who shall from Time to Time, Assemble themselves at the Time and Place to be by the Governor (or whomsoever of the Council he shall by Hand Writing under his Hand depute for that Purpose) from Time to Time appointed, during this present Assembly, shall have the full Power of, and be, Two Houses of Assembly, to all Intents and Purposes, and all Bills that shall be Passed by the said Two Houses, or the major Part of both of them, and Enacted or Ordained by the Governor, shall be Laws of the Province, after Publication thereof, under the Hand of the Governor and the Great Seal of the said Province, as fully to all Effects in Law, as if they were advised and assented unto by all the Freemen of the Province personally. The Enacting Clause in all the Acts that were made afterwards, during that Session, ran thus, Be it Enacted by the Lord Proprietary, with the Consent of the Upper and Lower House of Assembly.

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Thus you see, Gentlemen, the Upper House is Coeval with the Lower, and established on as firm a Basis; and that your Position of It's being unknown in it's Original, was too general, and ought to have been confined to Yourselves, whose Attention to the ancient and undoubted Privileges of your own House, will, no doubt, be a good Excuse to your Constituents, for your being entirely unacquainted with the Origin of such an essential Part of our Constitution as the Other. L. H. J. Liber No. 49 Dec. 15

Lest any Person should, after Reading your Address, be struck with what is mentioned above, concerning the Manner in which the first Summons or Writs for calling an Assembly, were issued, and wonder how there could be a Secretary or Sheriff in this Province, before an Assembly was ever called, I must here inform him, that his Lordship had a Power given him by his Charter, to Appoint, either by Himself or his Deputy, such and so many Officers, as he should think proper; and that by Virtue of this Power, he did, before any Assembly was called, Appoint, not only the Two Officers above named, but also Military Officers, Commissioners of the Peace, and Coroners, on whom he settled such Fees as he thought adequate to p. 212 their respective Services; and that after Assemblies were called, and the Constitution settled, he did, at Times, Create such Offices as he judged expedient or necessary. I should be too Tedious, were I to particularize when every Office that is now Established in this Government, was Created: But I cannot help intimating to you, as the Circumstances may not be otherwise known, that in the Year 1681, the then Lower House thought it expedient that they should be allowed a Serjeant at Arms, and "humbly Requested his Lordship to appoint such a Person to attend them during that Session;" but his Lordship, for what Reason does not appear, did not think proper to comply with their Request.

Before this Time then it could not have been a Question (however Ancient and Undoubted their Right) Whether the Lower House might Order their Serjeant to take a Governor's Secretary, or any of his Family, into Custody? and I believe it is a Question that was never started in any Lower House of Assembly, before the present Session. A Governor has been heretofore desired to permit a Gentleman that did Business for him to attend the Lower House on a particular Occasion; but it is very clear that they did not pretend to the least Authority over him: The Case happened when the Government of this Province was immediately in the Crown, and when the Assembly were disposed to give the Governor an additional Duty of Threee Pence ℘ Hogshead on all Tobacco exported: In order to settle the Quantum of the additional Duty, they wanted to know what the Impost of One Shilling ℘ Hogshead amounted to, and therefore "humbly desired his Excellency would be pleased to permit Mr. Llewellin to go down to the House for some small Time, and that he might bring along with him the several Accounts by him taken from the Naval Officers."

L. H. J. Liber No. 49 Dec. 15 I do not pretend to say, that Mr. Llewellin was ever known by the Title of The Governor's Secretary, nor would it perhaps have been known a Hundred Years hence, that Mr. Ridout went at this Time by that Appellation, if you had not thought proper to issue a Warrant for him, and, without making any previous Application to me, given Orders for his being brought to Answer, at the Bar of your House, to any Questions that you should think fit to ask him.

p. 213 Whether it is necessary that I should have a Secretary or not, I may I think be supposed the best Judge; and the impartial World will perhaps be surprized at Your making that a Question, since I did not ask any Thing of You for his Support. There are, I am satisfied, many Persons in this Province that have received great Benefit from my having One, and that will acknowledge he has served them without the least View of Advantage to himself; but if he should, on similar Occasions hereafter, choose to take a Quantum Meruit for his Trouble, you will not, I suppose, concern Yourselves about it, since he is not an Officer of the Government. If you had asked me, whether he had a Commission or not, instead of spending Time to examine the Provincial Records, I should, without Hesitation, have satisfied your Curiosity; and tho' you do not ask me, whether he has underwent the Qualification necessary to distinguish him to be a Loyal Subject, or not, I think proper to inform you, that he underwent such a Qualification as the Laws direct, before he accompanied me to this Province; and, I persuade myself, you will not imagine that his Principles have been since Debauched, by living in my Family.

As I would willingly avoid all Enquiries into your Rights and Privileges, I have not taken any Notice of your Claim of an unlimited Power, to call one of any other Gentleman's Family before you, but have only denied your Right, to call before you any of mine. The Power of Protecting those that reside in my House, while they offend not the Laws, is a Right that I can neither part with, nor suffer to be disputed; and I will venture to pronounce, that none of my Predecessors, when they granted the Prayer of a new Speaker, by assuring him " that the Members of the Lower House of Assembly should be free from Restraint, in their own Persons, and in their Attendants, during the Session," designed thereby to invest him with a Power of stripping them of their Attendants, whenever he should think proper.

But to have done with this Controversy, which I am sure I have been obliged to engage in much against my Inclination, I shall conclude with declaring, that although I should look upon myself as Guilty of a Breach of Trust, were I to suffer the Rights and Privileges that are incident to my Station as Supreme Magistrate, to be trampled on; yet, I shall ever think myself bound to support the p. 214 Dignity of your House, as the Third Branch of our Legislature, and

L. H. J.
Liber No. 49
Dec. 15

shall be always ready to concur with you, in taking every Measure that might tend to promote the Public Good.

Hor.° Sharpe.

15th December, 1757.

Which Message was Read, and Referred for Consideration of the next Assembly.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly: And,

The following Message, viz. By the Upper House of Assembly, 15th December 1757

[This message printed in full in Upper House Journal pp. 192-194]

On Reading the said Message, the Question was put, Whether a Message shall be prepared to be sent to the Upper House, setting forth the Irregularity of the Alterations proposed in the Message brought this Afternoon by Benedict Calvert, Esq; with the Bill, entituled, An Act for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, or Not? Resolved in the Affirmative.

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For the Affirmative,

Plater,
Williamson,
Hynson,
Rasin,
Tilden,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Lee,
Dent,
M. Tilghman,
Govane,
J. H. Dorsey,
Owings,
Earle,
Ward,
Baker,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Scarborough,
Harris,
E. Dorsey.
[32]

For the Negative,

Sothoron,
Key,
Wilson,
Cockey Deye,
Dulany.
[5]

The House adjourns til the Morrow Morning at 9 of the Clock.

Friday, 16th December, 1757.

Dec. 16

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

L. H. J. Liber No. 49 Dec. 16 Mr. John Hammond Dorsey hath Leave to go home.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the several Paper Bills (the Ingrossed Bills of which were severally Read and Assented to by both Houses); which said Paper Bills were severally thus Indorsed, "By the Upper House of Assembly; The Ingrossed Bill, whereof this is the Original, is Read and Assented to."

Signed ℘ Order, J. Ross, Cl. Up. Ho.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

Upon turning to the Proceedings of the late Lower House of Assembly, referred to in your Address of the 10th Instant, for those repeated Representations of that Lower House to me of the Neglect of several Naval-Officers to account for the Duties imported on Servants, which I understand they never could receive, I can find but one such Representation of that House: The same Address relates likewise to the Commissioners of the Currency-Office, complaining that they had not Credited the Public with the Monies paid into that Office by Trippe, Porter and Bradford, tho' in Fact, as I am well informed, those Monies were not paid into that Office, nor even to the Commissioners themselves, but were paid by those People to the p. 218 then Clerk of the Commissioners, out of the Office, notwithstanding he had no Authority either by Virtue of his Office as Clerk, or from the Commissioners, to receive the same. And as that House desired that the Bonds of these Officers may be put in Suit for these Neglects, so you, in your Address of the 10th Instant, complain that their repeated Representation, and their earnest Request, have not yet had the desired Effect. And tho' you are at a Loss to account for my failing to sue those Bonds, agreeable to the Desire of that House, yet from a Declaration I made, in what I then thought a satisfactory Answer to that Address, and which I now renew, "That I will never Countenance any Officer who does not diligently and faithfully discharge his Duty," you are so good as to attribute that Failure to any Cause, rather than a Disregard in me to the reasonable Complaints of the Representatives of the People: And I was indeed in Hopes, that my constant Care and Attention to the Ease and Happiness of every Individual over whom I have the Honour to preside, might have induced the Representatives of the People, especially after the foregoing Declaration, to have hit upon the true Cause of my failing to sue those Bonds, by attributing it to my not being satisfied that those Officers had been Guilty of any Breach of Trust or Negligence in the Discharge of their Duty. But as you seem to think I was not sincere in that Declaration, I shall for once, lay before you the Reasons which have induced, what you are pleased to call, a Failure in me.

L. H. J. Liber No. 49 Dec. 16

But, before I proceed, I must desire you'll observe, That it is so far from becoming the Duty of my Station to Oppress any Set of Men, or any Individual, whether as an Officer or private Man, merely to gratify the Desire of others, that I think myself, on the contrary, obliged to prevent, to the utmost of my Power, every Act of Oppression and Injustice towards every Individual under my Government, let the Attempt come from what Quarter it will; and that as you claim the Right of Representing to me whatever you may be pleased to call a Grievance, you must at the same Time allow, that however clearly you may pretend any Transaction may appear to you in that Light, I have still the Right of Forming a Judgment, and coming to a final Determination, upon your Representations: And this Right I shall always exercise, repeat your Representations as often as you please, wherever they may injuriously affect either the Life, Liberty or Property of any Individual in this Province.

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And now, to remove as much as possible the Difficulty you are under to account for my failure to sue the Naval-Officers and Commissioners Bonds, agreeable to the Desire of the last Lower House, and to prevent your attributing that Failure to my Disregard to the reasonable Complaints of the Representatives of the People, or to a Want of Regard to their just Representations, I shall proceed, as briefly as the Nature of the Subject will permit, to examine from the Journals of the last Lower House, the Grounds for that Address, now backed by yours of the 10th Instant, and in an Instance or two, compare that Address with it's Foundation; and shall then lay before you such Reasons as have occurred since that Session, and have greatly contributed towards fixing my Opinion, that neither are your Complaints Reasonable, nor their Representations Just.

And if, to avoid any Imputation on my Conduct for concealing or misrepresenting any Materials, upon which this Part of the present Debate is founded, I shall give them in the Words of the Journal of the Lower House of Assembly (with which you do not always seem to be very well acquainted) I hope you will excuse me, tho' by that Means my present Message should run into some Prolixity.

The first Entry which I find upon the Journal of the last Lower House, relating to the present Complaints against the Naval-Officers, is a Report of one of your Committees in the following Words:

" Your Committee further observe, that by the List of Entries made by Stephen Bordley, Esq; Naval-Officer of Port Annapolis, it appears, that on the 29th April, 1756, there was imported in the Ship Greyhound, Capt. Alexander Stewart, 75 Convicts: And that on the first Day of September, 1756, there was imported in the Ship Lyon, James Dyer, 91 Convicts to serve for Seven Years: That upon Clearance of the Ship Greyhound, Capt. Scott then Master of the said Ship, refused to pay any Duty for the 75 Convicts imported by said Stewart in that Ship; and that Capt. Dyer refused to pay any Duty

L. H. J. Liber No. 49 Dec. 16 for the 91 Convicts to serve for Seven Years and upwards. And by the Account of Richard Lee, Esq; Naval Officer of Patowmack, it likewise appears, That the Snow Trial, William M'Caghin Master, Entered in the said Port of Patowmack, 91 Convicts, and Cleared out thence without paying the Duty of Twenty Shillings Currency ꝑ Head on the same 91 Convicts. And it also appears by the same List of Entries in said Port of Annapolis, that during the Course of last Year's Importation, and since the 29th April, 1756, sundry Persons paid to the said Naval-Officer of Port Annapolis, the Duty of Twenty p. 220 Shillings ꝑ Head on Convicts, and Convicts to serve for Seven Years and upwards. And we submit it, whether the said Naval-Officers ought not to have Collected the Duty of Twenty Shillings Currency ꝑ Head on Convicts and Servants imported as aforesaid."

This Report, on the Day it was presented, was Read and Concurred with by that House; from whence one might have reasonably supposed that House was satisfied the Facts there set forth were true; and that every future Proceeding upon that Affair would, in Point of Fact, correspond with it.

Notwithstanding which, the next Step that House takes upon this Subject, within Six Days after, is an Address to me, referring to the Report thereto annex'd (which yours of the 10th seems design'd to enforce), amongst other Things in the following Words:

" It is truly discouraging to us to find—in others—(Officers) who can't plead Ignorance of the Laws, such an Omission of Duty as we could not suspect, and which your Excellency will observe by the Report, in regard to the Conduct of the Naval-Officers of Patowmack and Port Annapolis, who, notwithstanding they have received the Duty on Servants for Seven Years and upwards, from many Masters of Vessels, have nevertheless omitted to receive it from others, because (as we presume) they have Entered them under the Title of Convicts, tho' the Duty on such Servants is required to be paid at the Time of Entry; and we conceive to have been the Duty of those Officers to have refused to have Entered such Vessels, until the Duty was paid down, and not to have taken any Impost-Bond for it; which, if they did, is an Indulgence unknown to the Law: And for which, as we apprehend, the Naval-Officers ought to be answerable."

Tho' several Remarks might be made, both on the Report and Address, I shall nevertheless, for Brevity Sake, content myself with one upon the Difference between them, as enough to shew that Exactness is not so inherent to the Representatives of the People, as to be Proof against any Reflection that may be disposed to make; for tho' that Report treats only of Convicts, and Convicts to serve for Seven Years (which seems to me to have been a needless Distinction, since all Transported Convicts are by Statute to serve for Seven Years at least) and says not one Word of Servants except at the Close of it, p. 221 and tho' it is clear, that since there is no prior Mention in that Report of any Servants, but Convicts to serve for Seven Years, the Expression of Servants imported as aforesaid, must necessarily be understood to refer to the Convict Servants therein mentioned; yet that House in their Address to me upon that Occasion, seem very fond of considering all the Importations mentioned in the Report, as Servants for Seven Years, in Contradistinction to Convicts, tho' the Report gives no Colour for understanding them in that Manner; and at the same Time seem so averse to having any Thing to say to Convicts, tho' that Report treats of nothing else, as to presume, contrary to the Report upon which that Address is founded, and with which that House had concurred, that they (the Officers) had Entered them under the Title of Convicts, tho' they were simple Servants for Seven Years. L. H. J. Liber No. 49 Dec. 16

Without taking up any more of your Time upon this Remark, I am afraid, Gentlemen, that House will appear from these Papers, not to have paid all that Regard to Truth and Candour, which, as Representatives of the People, it were to be wished they had; for it seems too evident, that the Report and Address cannot be both true, and indeed that the Conduct of that House was not consistent with itself.

And now, give me Leave to ask, What Reason could I have from a View of these Papers, so dark in themselves, so contradictory to each other, either to believe those Representations Just, or your Complaints Reasonable Unless you suppose that I am implicitly to gratify every Desire, and comply with every earnest Request, of such as may at any Time be Elected by the People, however unreasonable in themselves, or founded upon Facts contradictory, or destitute of Proof. And here, before I quit this Subject, I must take the Liberty to ask one more plain Question; and as the Answer to it may tend to our better understanding each other, by removing some Obscurities, which seem to me still to rest upon that Address of the former Lower House I shall hope you will favour me with a full and direct one: The Question is this; Do you insist upon the Naval-Officers Collecting, under the Act of Assembly made in 1754, for his Majesty's Service, the Duty of Twenty Shillings Currency ꝑ Head upon Convicts, Transported by Virtue of the Statute, or do you Not?

That the Merits of this Dispute may be the better understood, I must have Recourse to that Address of the last Lower House, containing the Charge against the Naval-Officers, which may be thus divided: p. 222

"The Duty on such Servants is required to be paid at the Time of Entry."

"It was the Duty of those Officers to have refused to have Entered such Vessels, until the said Duty was paid down."

"And not to have taken any Impost-Bonds, which is an Indulgence unknown to the Law."

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Whence that Address infers,

"For which those Officers ought to be answerable."

And thus I shall leave it to the Consideration of your House, to be made out in the best Manner you are able, so as to support that Conclusion; or their unjust Representations, and your unreasonable Complaints, must fall to the Ground: And shall now proceed to lay before you such Reasons as have greatly contributed towards fixing my Opinion, That neither are your Complaints Reasonable, nor their Representations Just.

As the taking Impost-Bonds, instead of obliging the Trader to pay the Duties down upon Importation, is immediately an Ease and Encouragement to Trade, it may reasonably be presumed, that they have been in Use in this Province from the first Commencement of Entering and Clearing Vessels amongst us; and indeed I am very credibly informed, that as far as any Discoveries can be made upon this Head, by looking back into former Times, it appears, that this Indulgence has been constantly and universally given to Trade in this Province: That these Bonds were in Use amongst us so early as in the Year 1715, appears from an Act of Assembly passed, whereby the Attorney-General is prohibited from suing any Bond taken for Country Duties, unless under Circumstances there specified; which Description exactly corresponds with the Impost-Bonds taken at this Day; and another Act passed in the Year 1717, gives a Fee for an Impost-Bond 5s. By those Acts of Assembly, the Legislature seems to have considered these Bonds, not as a private Security taken by the Naval-Officers upon his Indulgence, at his own Risque, given to Trade, but as a Security to the Public for the Country Duties, and taken payable to the Head of the Government; or the Attorney-General as such, would have had nothing to do with them, nor would p. 223 the Legislature have given the Officer a Fee for taking them: And as even the first of these Acts is so far from introducing into Practice, that it plainly supposes them to have been then in Use, or it never would have provided against an Abuse in suing them; I think it may be reasonably inferred, that they have been constantly and universally taken from the earliest down to the present Times, in all Cases without Exception, unless such Exception can be shewn: And as these Acts of Assembly have undoubtedly given them a legal Establishment, if they had none before, I presume a Right became then not only vested in the Naval-Officer to take them as a Security to the Public for the Country Duties, but likewise a Right of Exemption in the Trader, who had Duties to pay, from paying them down at the Time of Entry; and from hence, I presume, it is very far from appearing, "That Impost-Bonds ought not to be taken," as being "an Indulgence unknown to the Law."

But, "The Duty on such Servants is required to be paid at the Time of Entry:" This is a Discovery which I very freely confess, I

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have never yet been able to make, tho' I presume it must be by some Law of this Province; no less Authority being sufficient to make so considerable and pernicious an Alteration in our State of Trade as this must be; and you will give me Leave to observe, that any Act must be expressed in Terms so very clear and explicit, as to be void of all Ambiguity, before it can be allowed an Operation destructive to Two other Acts of Assembly, to a long uninterrupted Course of Trade (which of itself is always held as a Law in all Trading Countries) and so discouraging to the Trade of this Province.

The Act which I have heard mentioned as performing this Work, is that passed for his Majesty's Service in 1754, laying a Duty upon Servants, and other Commodities; the 9th Section of which is in the following Words:

"And be it likewise Enacted, That all Masters of Ships and Vessels, and Others, importing Servants into this Province, by Land or Water, to serve for the Term of Seven Years or upwards, at the Time of their Entry shall pay unto the Naval-Officer for the Time being, belonging to such Port or Place where they make their Entry, the Sum of Twenty Shillings Current Money ꝑ Poll for each Servant: And that all Masters of Ships or Vessels, and Others, importing Servants into this Province, by Land or Water, to serve by Indenture, or Custom of the Country, for a less Term than Seven Years, at the Time of their Entry shall pay unto the Naval-Officer for the Time being, belonging to such Port or Place where they make their Entry, p. 224 the Sum of Five Shillings Current Money ꝑ Poll for each Servant: And that for every Negro imported into this Province, by Land or Water, the Importer or Importers of such Negro or Negroes shall pay to the said Naval-Officer, the Sum of Ten Shillings Current Money, over and above the Duties or Impositions already directed and appointed to be paid by any former Act or Acts of Assembly of this Province: And that there shall be paid a Duty of Two Pence Current Money ꝑ Gallon on all Madeira Wine imported into this Province by Land or Water, by the Importer or Importers, to the respective Naval-Officer of the Port or Place where the same shall be imported or brought into this Province by Land or Water as aforesaid."

Upon the bare Perusal of which, a Reader of less Sagacity than the Representatives of the People, would immediately conclude, as I confess I did, that the Expression at the Time of Entry must naturally relate to what precedes, viz. Masters importing Servants to serve for Seven Years or upwards at the Time of Entry, and not to what follows, shall pay, &c. as it necessarily must (and that with some Degree of Absurdity) to make out the Construction contended for: But that this never could be the Intention of the Legislature, appears further from their not having placed those Words at the Time of Entry, in a different Position from that in which they now stand, naturally and

L. H. J. Liber No. 49 Dec. 16 sensibly referring to the last Antecedent, to serve for Seven Years or upwards, at the Time of Entry, since it might with so much Ease and Propriety have been done, by only placing those Words, at the Time of Entry, after the Words shall pay, and then it would have Read thus, shall pay at the Time of Entry, or, shall at the Time of Entry pay; in either of which Positions the Sense would have been obvious, and the Construction clear, as contended by the last Lower House, and seconded by yourselves; and can't be imagined, that had this been their Intention, the Abilities of the Lower House in 1754, not to mention the other Branches of that Legislature, were so slight as not to hit upon so plain, easy, and clear a Manner of expressing that Intention.

p. 225 But I will suppose, for Argument Sake, that it is not clear from the Frame of that Sentence, that those Words, at the Time of Entry, must relate to what precedes; yet it must be allowed me, that it is not more so, that they must relate to what follows; and it being equally uncertain to which Part of the Two, the Reference ought to be, I hope it will never be contended that it shall have such a Relation, as by Construction to destroy Two old Acts of Assembly, a long uninterrupted Course of Trade, and to introduce Inconveniencies to the Trader, consequently a Discouragement to Trade itself, when it may, upon my present Supposition, as well bear another Construction, clear of all these Difficulties, by only giving those Words their natural and proper Referrence, and thereby to shew that the Master is to pay the Duty of Twenty Shillings ℘ Head on all Servants, who have Seven Years to serve, at the Time of Entry.

I have only hitherto considered such Part of that Paragraph as relates to Seven Years Servants, and shall wave such Part thereof as relates to Servants to serve for a less Time than Seven Years, because, tho' I think that an Advantage might be made of some Expressions, in that Part of it, yet since the Expression at the Time of Entry stands there in much the same Position, as in the former Part, I am content it takes the same Construction.

I shall make but one Remark more upon this Paragraph of that Act; and I must own it is such as gives me the fullest Conviction, that the Legislature in passing that Law, had no Intention to affect those two old Acts of Assembly, or to alter the Course of, and introduce a Discouragement to Trade, by obliging the Masters to pay the Duties down at the Time of Entry; and that is, that the Expression at the Time of Entry, is no where in that Paragraph made use of but in such Parts of it as relate to Servants, and there it seems to have been particularly useful, for there being Servants of Two different Terms of Servitude, with a different Duty imposed on each, that Expression, at the Time of Entry, seems thrown in, the better to distinguish the Two Kinds of Servants, with the Duty imposed on each, according to the Time of his Service: Thus, for every Servant to serve for the Term of Seven Years or upwards, at the Time of

Entry, Twenty Shillings; and for every Servant to serve by Indenture, or Custom of the Country, for a less Term than Seven Years, at the Time of Entry, Five Shillings: And is merely descriptive to shew upon what Servant the Duty of Twenty Shillings is laid, and on what the Duty of Five Shillings; for, Why otherwise was that Expression dropt in that Part relating to Negroes? Why, in that relating to Madeira Wine? Should it be said, that Lower House intended the Duties upon Convicts to be paid at the Time of Entry, as a Discouragement to the Importation of them; I am somewhat doubtful, whether such an Answer might not be considered as a Mark of the Want of Duty to our Mother-Country, in thus passing Laws to discourage, what they have passed a Statute to promote, I mean, the Transporting their Felons to the Plantations, as well as of a Want of Prudence in publicly making such a Confession; and if they were intended as a Discouragement to the Importation of Servants (not being Convicts) Would it not be thought a Stain upon our Prudence, in thus obstructing the Increase of Labourers amongst us, which have always been considered, as the most certain and speedy Method of increasing the Stock and Riches of a young Country? Since therefore a Discouragement to the Importation of Labourers of any Denomination, could not have been the Motive for inserting that Expression; Was it that the Public might be the sooner in Credit by these Duties, by their Payment at the Time of Entry? But this cannot have been the Design, because, tho' they were paid down at the Time of Entry, yet the Naval-Officer is by that Act only to account, as he does for other Duties, and to pay yearly; so that this End will not be answered; besides, if this was the Motive, since that good End might, tho' in a less Degree, have been promoted by pursuing the same Course with Regard to the Negroes and Madeira Wine, Why was not that Expression continued to them, as well as to Servants? But to them so precise a Description was unnecessary, since there is but one Duty per Head on every Negro imported, and but one Duty per Gallon, on all Madeira Wine imported; whereas the different Kinds of Servants, with a different Duty upon each, must necessarily require to each kind a different Description; but tho' that Expression, at the Time of Entry, plainly imports nothing more than a mere Description of the different Kinds of Servants, you nevertheless, as well as the late Lower House, seem fond of understanding them, as obligatory upon the Naval-Officers, to receive those Duties at the Time of Entry, or, to have refused to have Entered those Vessels, until the said Duty was paid down; expressly contrary to the plain and obvious Constructions of that Paragraph, to Two former Acts of Assembly, and to a long and uninterrupted Course of Trade in this Province.

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Tho' many Observations might still be made, to show that the Construction, which you, as well as the last Lower House, are desirous of giving that Act of Assembly, is egregiously wrong; I shall, how-

L. H. J. Liber No. 49 Dec. 16 ever (this Message having already run out into an unusual Length) reserve them for another Occasion, and conclude this Head with hoping, that by this Time it sufficiently appears, that the last Lower House were wrong in asserting that the Naval-Officers

"Ought not to have taken any Impost-Bonds," because,

"It is an Indulgence unknown to the Law:"

"That the Duty of such Servants is required to be paid down at the Time of Entry," And,

"That it was the Duty of those Officers to have refused to have Entered such Vessels, until the said Duty was paid down."

And consequently that their Conclusion drawn from those Premisses,

"For which those Officers ought to be answerable,"

Cannot be right.

But, before I quit this Head concerning the Naval-Officers, I cannot but observe, that the Report, an Extract of which you have in the Beginning of this Message, omits doing that Justice to those Officers which is strictly their Due; for it mentions not how that Committee came by their Knowledge of the Refusal of the Masters of the Vessels therein mentioned, to pay those Duties, nor one Word of any Impost-Bonds having been taken, as the Country's Security for the Payment of those Duties; tho' the Naval-Officer of Annapolis assures me, that at the Foot of the first Account he passed with the Commissioners, which Account was, I presume, by them laid before that Committee; and likewise at the Foot of a List of the Entries of Servants, which he delivered into that House by my Order on their Address, under a N. B. he mentions the Masters of those Vessels, as having refused to pay the Duty upon those Convicts; but that the Office was in Possession of their Impost-Bonds, taken payable to the Lord Proprietary; but a Suit upon which, those Duties, if due, might be recovered: And that this Intimation was given, as well to prevent, from an Unaquaintance with these Facts, the Loss of that Money to the Public; as, at the same Time to show that Lower House, p. 228 that he had done his Duty, by taking those Impost-Bonds, which are the established Security to the Public for all Country Duties.

Why were not these Facts mentioned? Why, when that Committee was examining into the Conduct of those Officers, were some Transactions by Information from themselves, noticed, and others, tho' appearing upon the Face of the same Evidence, concealed? Was it merely for the Sake of patching up a Charge against them, in order to get their Office-Bonds sued? And can you, after this Behaviour of that Committee, and that House, say, their Representations are Just, and your Complaints, in Consequence of them, Reasonable?

Believe me, Gentlemen, that such a Course of Proceeding in the Representatives of the People, is so far from acquiring to them that

Confidence which they claim, and a Compliance with their earnest Desires, that I must beg to be excused, if, for the future, I shall chuse to see the Bottom of every Representation against any Man, whether Officer or Not, with my own Eyes; since I find so little Reliance is to be had on their Firmness and Candour.

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And now, to conclude this Message, so far as it relates to the Naval-Officers; since I find no Breach of Duty in those Officers; since Impost-Bonds, which are the established Security to the Public for all Country Duties, are taken payable to the Proprietor, and by which these Duties are secured in the regular and usual Way, and since, as I am told, those Securities are still good (tho' how soon they may fail cannot be foreseen) I shall, upon your Request, order those Bonds to be put in Suit, against the original Debtors to the Public, to recover those Duties, if you think them payable, as you seem to do, by your desiring the Naval-Officers Bonds to be sued: But if nothing less than Suits upon those Officers Bonds will content you, I must beg to be excused; and if, when I find such a Spirit prevailing, as seems to have Governed the last Lower House, I should afford any one endangered by it, a Protection from Injustice and Oppression (as I think even the Trouble of attending Suits on those Bonds, and the Loss of the Costs to those Officers, tho' they should end in Nonsuits, would be) I should hope you would think I was only acting agreeable to the Duties of my Station.

I come now to the second Head of your Address, relating to the Commissioners of the Currency Office, wherein you express your Concern to find, that no legal Steps have yet been taken to compel those Commissioners to Credit the Public with those Monies paid so many Years ago into that Office by Trippe, Porter, and Bradford: You'll be pleased to observe, Gentlemen, that the first Address upon this Subject to me was in the last Session; to which I then gave you for Answer (amongst other Things) That Col. Hammond, who was the only surviving Commissioner who could be affected by those Judgments, obtained long before my Arrival in this Province, had told me, that as he could make it appear the Money in Question never was paid into the Office, he had appealed from those Judgments; and I can venture to assure you, that a Writ of Error is now depending for their Reversal, wherein should he not succeed, I have Reason to believe, he will, without further Trouble, pay the Money; by which Means the Country may receive it as soon as upon a Suit commenced on his Bonds. I presume that the particular Behaviour of the Jury in those Cases, (which I am told gave no small Disgust to many sensible By-Standers): And the Matters having been dormant so many Years, may have given him Reason to conclude, that this Affair would never have been stirred against him, notwithstanding those Judgments, because as soon as that Address of last Session came to my Hands, he declared he would endeavour to Reverse

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L. H. J. Liber No. 49 Dec. 16. them; and if those Judgments are Erroneous, I am in Hopes you will not think it unreasonable, that he should not be obliged to pay the Money under them.

Hor.° Sharpe.

16th December, 1757.

Which said Message was Read, and Referred for Consideration of the next Assembly.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

As the Address which you were pleased to present to me Yesterday Morning, seems to be designed as an Answer to the Earl of Loudoun's Letter, more than to any Message of mine, you may depend upon my sending it to him according to your Desire. It can serve no Purpose, I apprehend, to lay before his Lordship a Copy of the whole Bill that you framed this Session: Those Clauses of it that were, in your p. 230 Opinion, calculated to make ample Provision for the Accommodation of such of his Majesty's Forces as are or may be ordered hither for Winter Quarters, and that were to have provided for the Support of 300 Men on the Frontiers of this Province, are, I conceive, as much of the Bill as the Earl of Loudoun would have any Curiosity to read, and of these Parts I have already sent his Lordship a Transcript.

Your humble Advice to his Lordship, to order all his Majesty's Artillery and Stores from Fort Cumberland, or in other Words, to abandon it, and your Intimation afterwards, that if his Majesty's Service in general does make it necessary that a Garrison should be supported near that Place, you are not the People that might be expected to provide for it's support, will not, I am afraid, have any good Effect.

But since you are of Opinion, that this Address, together with a Sight of your Bill, will justify your Conduct to the Earl of Loudoun, I shall forbear to make any Remarks thereupon, lest you should say my Design was to persuade his Lordship, or to propagate an Opinion, that there is Room for a Suspicion of your being disaffected to his Majesty. His Lordship will judge for himself, and I assure you I will neither say nor do any Thing to biass him. If he shall be convinced by your Conduct this Sessions, that you are the loyal People you profess yourselves, it will be well, and I shall be satisfied: But should your Proceedings incline him to entertain a different Opinion, you will not, I hope, lay the Blame upon me. There is only one Part of that Address that I shall take particular Notice of, and it is that where you say you have been told, Fort Cumberland was first begun by some Gentlemen of the Ohio Company as a Store-House. Whoever gave you that Information told you a Falsehood, not that it is

Material who begun it, but I mention this to put you on your Guard against the Impositions of the Person for the future. L. H. J. Liber No. 49 Dec. 16

Hor.° Sharpe.

16th December, 1757.

Upon Reading the said Message, Ordered, That an Address be prepared, to be presented to his Excellency in Answer thereto; and that Mr. Matthew Tilghman and Mr. Carroll do prepare and bring in such Address.

Mr. Carroll brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor; which was Read, Approved, and Ordered to be Ingrossed. p. 231

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

Our sitting here now that the Business of this House is compleated, is so vastly irksome, that we hope we shall be excused from taking, at present, any further Notice of your second Message of this Day, than to request your Excellency would be pleased to send a Copy of our Supply Bill (which our Clerk is ordered forthwith to deliver to you) to the Earl of Loudoun; as we are fully convinced his Lordship's Goodness and Candour will induce him to peruse the Whole, that he may see our Conduct in it's proper Light.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Alexander Williamson, Esq; and Mr. Matthew Tilghman, do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desired to know when and where he will be pleased to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address immediately at his House.

Ordered, That Mr. Murdock, with Three more, do present the Address to his Excellency the Governor.

The following Message, viz.

By the Lower House of Assembly, 16th December, 1757.

May it please your Honours,

Your Message of the 15th Instant by Benedict Calvert, Esq; containing an Offer of Alterations to the Amendments by us proposed to the Bill for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, sent down with that Bill, is p. 232

L. H. J. Liber No. 49 Dec. 16 so unparliamentary, so contrary to every established Method of Proceeding on Bills, that we don't think it right to take it into Consideration, and therefore have herewith again returned you that Bill.

Signed ℘ Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House, with the Bill mentioned in the said Message, by Mr. Carroll and Mr. King.

Ordered, That Mr. Lloyd and Mr. Plater do acquaint his Excellency the Governor, That no Public Business lies before this House now to Transact.

The House adjourns until 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment: The Members were called, and all appeared as in the Morning, except Mr. John Hammond Dorsey. The proceedings were Read.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, the following Message, viz.

By the Upper House of Assembly, 16th December, 1757.

Gentlemen,

We are extremely sorry, that the Bill for Reducing the Allowances of the Members of both Houses, from which so much Benefit would redound to the Province in the Dispatch of Public Business, and the Reduction of the Taxes upon your Constituents, should fail with you upon so slight a Pretence, as that intimated in your Message of this Day, when no substantial Objection could be made by you to the Justice or Propriety of the Alterations we proposed. The general Assertion, that we have proceeded in an unparliamentary Manner, may be more easily made as an Evasion, than proved or defended, and is somewhat surprizing, considering the many Instances in which your House has observed the same Method; and it should seem, that had there been some little formal Mistake in the Mode of our Proceeding, it might have been obviated (if not overlooked) with no great Difficulty, were there not really wanting a sincere Disposition p. 233 to pass this very useful Bill.

Signed ℘ Order, J. Ross, Cl. Up. Ho.

Which was Read, and Referred to the Consideration of the next Assembly.

Benedict Calvert and Daniel Dulany, Esquires, from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of the several Members of the Lower House immediately in the Upper House.

Mr. Speaker left the Chair, and (with the Members of the Lower House) went to the Upper House; where he presented to his Excellency the Governor, the several Ingrossed Bills which had been Read and Assented to by both Houses of Assembly this Session, viz.

A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of St. George's Parish in that County, a Sum of Money for the Uses therein mentioned. L. H. J. Liber No. 49 Dec. 16

An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes.

An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County.

An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and Running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings; and also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and Running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings.

An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liqours, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records and Papers from the Public Offices. p. 234

An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy.

An Act continuing an Act, entituled, An Additional Supplementary Act to the Act, entituled, An Act relating to Servants and Slaves.

An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers and other Offenders.

An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves, and directing the Manner of trying Slaves.

An Act continuing an Act, entituled, An Act to exempt Persons appearing at Musters, from Arrests in Civil Cases.

An Act continuing an Act, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons.

L. H. J. Liber No. 49 Dec. 16 An Act to prohibit Raising of Swine and Geese in Frederick-Town in Frederick County.

An Act for suppressing Plumb-Point Warehouse in Calvert County.

An Act to impower Susanna Risteau, Widow and Administratrix of Talbot Risteau, late of Baltimore, deceased, to sell the House and Lands therein mentioned, for the Payment of the Debts of the said Talbot Risteau.

An additional supplementary Act to the Act, entituled, An Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit, established by Act of Assembly, the Sum of £4500 Current Money, for Encouragement of such able-bodied Freemen as shall voluntarily Enlist themselves into p. 235 his Majesty's Services, for the intended Expedition against Canada; and for maintaining and conveying them to the Place of Rendezvous; as also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary-Keepers; and for other Purposes therein mentioned.

An Act continuing an Act, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer.

All which Ingrossed Bills aforesaid, were Passed into Laws by his Excellency the Governor, in the usual Manner.

His Excellency made the following Speech, viz.

Gentlemen of the Upper and Lower Houses of Assembly,

I do, with the Advice of his Lordship's Council of State, Prorogue this Assembly to the first Tuesday in January next; and you are to take Notice that you are Prorogued to that Day acordingly.

So endeth this Session of Assembly, this Sixteenth Day of December, One Thousand Seven Hundred and Fifty-seven.

Test. M. Macnemara, Cl. Lo. Ho.

ACTS OF THE ASSEMBLY PASSED IN SEPTEMBER–DECEMBER, 1757

At a Session of Assembly, begun and held at the City of Annapolis, on Wednesday the Twenty-eighth of September, in the Seventh Year of the Dominion of the Right Honourable Frederick, Lord Baron of Baltimore, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, &c. Annoque Domini 1757 and ending Friday the 16th Day of December 1757 following. Liber H. S. No. 1 p. 338

The following Laws were Enacted and Assented to by his Excellency Horatio Sharpe, Esquire Governor.

No. 1 A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of St. George's Parish, in that County, a Sum of Money for the Uses therein mentioned.

[Preamble.] Whereas the Rector, Vestrymen, Church-Wardens, and Other the Inhabitants of St. George's Parish, in Baltimore County, by their Petition to this General Assembly, have set forth, That the Sum of Money assessed and levied, by Virtue of the said recited Act, is not sufficient to furnish the Church, in the said Parish, agreeable to the Intention thereof, and therefore prayed that a farther Sum of Five Hundred and Fifty Pounds Current Money, might be levied, by Two equal Assessments, on the taxable Inhabitants of the said Parish, for compleating the Church aforesaid:

[£550 to be levied in 1757, and 1758, in St. George's Parish.]

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful to and for the Justices of Baltimore County Court for the Time being, and they are hereby directed and required, at laying their County Levy, in November Court, this present Year, Seventeen Hundred and Fifty Seven, and in their November Court, Seventeen Hundred and Fifty Eight, to assess and levy, on the taxable Inhabitants of St. George's Parish, in the said County, by Two equal Assessments, the Sum of Five Hundred and Fifty Pounds Current Money; which said Sum, so assessed, shall be collected by the Sheriff of Baltimore County, as other public Dues are, and the said Money, so assessed, levied and collected, the said Sheriff is hereby directed and required to pay to the Rector, Vestrymen, and Church-Wardens of the aforesaid Parish, for the Time being, or the major Part of them, to be by them applied

Liber H. S. No. 1 to the Use and Purposes beforementioned; the said Sheriff retaining in his Hands a Commission of Five per Centum for collecting the same.

[In case of surplus.] Provided always, That if any Surplus of the said Sum of Five Hundred and Fifty Pounds should remain, after the said Church is fully compleated, then, and in such Case, the Rector, Vestrymen, and Church-Wardens for the Time being, shall apply the same to the Use of the said Parish.

14th November 1757	On behalf of the Right	14th November 1757
Read and assented to	Honourable the Lord	Read and assented to
by the Lower house of	Proprietary of this Prov-	by the upper house of
assembly	ince I will this be a Law	assembly
Signed order	Hor.o Sharpe	Signed order
MMacnemara Cl lo ho		JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 2 p. 339 An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes, made at a Session of Assembly, begun and held at the City of Annapolis the Tenth Day of May, One Thousand Seven Hundred Forty and Eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

25th November 1757	On behalf of the Right	25 November 1757
Read and assented to	Honourable the Lord	Read and assented to
By the Lower house of	Proprietary of this Prov-	by the upper house of
assembly	ince I will this be a Law	assembly
Signed ꝑ order	Hor.o Sharpe	Signed ꝑ order
MMacnemara Cl lo ho		JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 3 An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for destroying Wolves in Frederick County, made at a Session of Assembly, begun and held at the City of Annapolis the Fifteenth Day of May, Seventeen Hundred and Fifty One, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. Liber H. S. No. 1

25th November 1757
Read and assented to
By the Lower house of
sembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right
Honourable the Lord
Proprietary of this Province I will this be a Law
Hor.o Sharpe

25 November 1757
Read and assented to
by the upper house of
assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 4 An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves, during the said Meetings; and also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves, during the said Meetings. p. 340

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That one Act of Assembly of this Province, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves, during the said Meetings, made at a Session of Assembly, begun and held at the City of Annapolis the Sixteenth Day of May, One Thousand Seven Hundred and Forty Seven: And also one other Act of Assembly of this Province, entituled, An Act to amend and explain an Act, entituled, An Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves, during the said Meetings, made at a Session of Assembly, begun and held at the City of Annapolis the Third Day of June, One Thousand Seven Hundred and Fifty Two, be, and are hereby continued, and [Two Acts continued.]

Liber H. S. No. 1 shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

25th November 1757
Read and assented to By the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.º Sharpe

25th November 1757
Read and assented to by the upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 5 An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province, made at a Session of Assembly, begun and held at the City of Annapolis the Twentieth Day of March, Anno Domini One Thousand Seven Hundred and Thirty Four, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. p. 341

25th November 1757
Read and assented to By the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law.
Hor.º Sharpe

25 November 1757
Read and assented to by the upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 6 An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks, within this Province, to remove some of the County Records and Papers from the Public Offices.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act to enable the several and respective County Clerks, within this Province, to remove some of the County Records and Papers from the Public Offices, made at a Session of Assembly, begun and held at the City of Annapolis the Tenth Day of May, One Thousand Seven Hundred and Forty Eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. Liber H. S. No. 1

25th November 1757 Read and assented to By the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe The Great Seal in Wax appt	25 November 1757 Read and assented to by the upper house of assembly Signed ꝑ order JRoss Cl Up Ho

No. 7 An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy. p. 342

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy, made at a Session of Assembly, begun and held at the City of Annapolis the Twenty-sixth Day of April, Seventeen Hundred and Thirty Seven, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

25th November 1757 Read and assented to By the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe The Great Seal in Wax appt	25 November 1757 Read and assented to by the upper house of assembly Signed ꝑ order JRoss Cl Up Ho

No. 8 An Act continuing an Act, entituled, An additional Supplementary Act to the Act, entituled, An Act relating to Servants and Slaves.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An additional Supplementary Act to the Act, entituled, An Act relating to Servants and Slaves, made at a Session of Assembly, begun and held at the City of Annapolis the Tenth Day of May, One Thousand

Liber H. S. No. 1 Seven Hundred and Forty Eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next, ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

25th November 1757
Read and assented to by the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law.
Hor.º Sharpe

25 November 1757
Read and assented to by the upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 9 p. 343 An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers, and other Offenders.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act or Punishment of Horse-Stealers, and other Offenders, made at a Session of Assembly, begun and held at the City of Annapolis the First Day of May, Anno Domini One Thousand Seven Hundred and Forty Four, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

25th November 1757
Read and assented to By the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.º Sharpe

25 November 1757
Read and assented to by the upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 10 An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting, and other Irregularities, of Negroes and other Slaves, and directing the Manner of trying Slaves.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting, and other Irregularities, of Negroes and other Slaves, and directing the Manner of trying Slaves, made at a Session of Assembly, begun and held at the City of Annapolis the Fifteenth Day of May, Anno Domini One Thousand Seven Hundred and Fifty One, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. Liber H. S. No. 1

25th November 1757
Read and assented to
By the Lower house of
assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right
Honourable the Lord
Proprietary of this Prov-
ince I will this be a Law
Hor.° Sharpe

25 November 1757
Read and assented to
by the upper house of
assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 11 An Act continuing an Act, entituled, An Act to exempt Persons, appearing at Musters, from Arrests in Civil Cases. p.344

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act to exempt Persons, appearing at Musters, from Arrests in Civil Cases, made at a Session of Assembly, begun and held at the City of Annapolis the Tenth Day of May, Anno Domini Seventeen Hundred and Forty Eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

25th November 1757
Read and assented to
By the Lower house of
assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right
Honourable the Lord
Proprietary of this Prov-
ince I will this be a Law
Hor.° Sharpe

25 November 1757
Read and assented to
by the upper house of
assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 12 An Act continuing an Act, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons, made at a Session of Assembly, begun and held at the City of Annapolis the Fifteenth Day of May, Anno Domini One Thousand Seven Hundred and Fifty One, be, and is hereby continued, and shall

Liber H. S. No. 1 remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

25th November 1757 Read and assented to By the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.º Sharpe	25 November 1757 Read and assented to by the upper house of assembly Signed ꝑ order JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 13 p. 345 An Act to prohibit raising of Swine and Geese in Frederick-Town, in Frederick County.

[Preamble.] I. Whereas the Freeholders and Inhabitants of Frederick-Town, in Frederick County, by their humble Petition, have set forth, That divers Persons living in the same Town, do raise and keep great Numbers of Swine and Geese within the same Town, to the great Prejudice of the Inhabitants thereof:

[Swine and Geese to be kept in Inclosures.] II. Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Person or Persons whatsoever, living, or that shall hereafter live, within the same Town, shall, after the End of this present Session of Assembly, under any Pretence whatsoever, keep or support within the same Town, any Swine or Geese belonging to themselves, or to any other Person whatsoever, unless such Swine or Geese be kept within such Person or Persons Inclosure, so keeping or supporting such Swine or Geese.

[May be shot, if suffered to go at large.] III. And be it Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in Case any Person or Persons whatsoever, living, or that shall live, in the said Town, shall, after the End of this present Session of Assembly, suffer any Swine or Geese, belonging to themselves, or under their Care and belonging to any other Person, go at large within the said Town, it shall and may be lawful for any Person to shoot, or otherwise destroy, such Swine or Geese, found at large as aforesaid.

[Indemnified for shooting &c.] IV. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That if any Person shall be sued or impleaded, for shooting or otherwise destroying such Swine or Geese as aforesaid, the Defendants may plead the General Issue, and give this Act, and the special Matter, in Evidence.

3d December 1757 Read and assented to by the Lower house of assembly Signed ꝑ order MMacnemara Co lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.º Sharpe	3d December 1757 Read and assented to by the upper house of assembly Signed ꝑ order JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 14 An Act for suppressing Plumb-Point Warehouse, in Calvert County.

Liber H. S. No. 1

[Preamble.] I. Whereas it is represented to this present General Assembly, That the Warehouse at Plumb-Point, on the Land of Joseph Isaac, in Calvert County, stands at a very inconvenient Landing; that the said House has yearly brought a considerable Charge on the said County; and as the Warehouse at Hunting-Town and Lower-Marlborough, will answer the Conveniency of the People, and save the unnecessary Charge aforesaid: It is therefore prayed that it may be enacted,

[Plumb-Point warehouse suppressed.] II. And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Warehouse at Plumb-Point, on the Land of Joseph Isaac, in Calvert County, shall be and is hereby suppressed, to all Intents and Purposes, and that the Inspector appointed to attend the said Warehouse, is hereby discharged from his Attendance thereon, after he shall have delivered such Tobacco as may be in the said Warehouse.

8th December 1757 Read and assented to by the Lower house of assembly Signed ꝑ Order MMacnemara Cl lo ho.	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe	8 Decemr 1756 Read and assented to by the upper house of assembly Signed ꝑ Order JRoss Cl Up Ho.	p. 346

The Great Seal in Wax app.t

No. 15 An Act to Impower Susannah Risteau Widow and Administratrix of Talbot Risteau late of Baltimore Deceased to Sell the House and Lands therein Mentioned for the Payment of the Debts of the said Talbot Risteau

Whereas Susannah Risteau Widow Administratrix of Talbot Risteau late of Baltimore County Deceased by her Humble Petition to this General Assembly hath set Forth that Talbot Risteau her late Husband died Intestate leaving one Child now about Four years old to whom She is mother and natural Guardian and that upon the Death of the Said Talbot Risteau her late Husband she took out Letters of Administration and hath regularly administred the Effects of the Said Talbot Risteau so far as they have Come to her Possession or knowledge Notwithstanding which there are Several Considerable Debts Due from the said Talbot Risteau still outstanding and that the said Talbot Risteau died Seized of a good Brick Dwelling house and two lots of Land and another small Parcell of Land thereto Contiguous in the Town of Joppa in Baltimore County the sale of which she Apprehends will Raise money Sufficient to Satisfie the Residue of the Debts due from the Said Talbot and will thereby Leave the Other real Estate whereof the said Talbot Risteau died

Liber H. S. No. 1 Seized to come to the Possession of the Orphan and heir at Law free from all Incumbrances and that the said House being at this Time in good Repair is of a Considerable Value but as a Tenant cannot be got for it it must if not Sold in a few years be in a ruinous Condition and Little worth it is therefore Prayed that it may be Enacted, And be it Enacted By the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the upper and Lower Houses of Assembly and the Authority of the Same that the Said Susannah Risteau shall be and is by Virtue of this Act Impowered to Set up and Expose to Sale at Publick Vendue to the highest Bidder the said House and Lots and the other Small Parcel of Land thereto Contiguous situate in the Town of Joppa in Baltimore County aforesaid or any or either of them Four Months Notice of the Time and Place of Such Vendue being first given by Advertisement in the Maryland Gazette and the Said House and Lots and the other Small Parcell of Land thereto Contiguous or any or either of them and all the Estate Right and Title of the Said Talbot Risteau therein respectively at the Time of his Death to make Over and Convey by Indenture of Bargain and Sale or by any other Proper Conveyance to any person or Persons who shall bid and give the best and highest Price therefor as fully and effectually to all Intents and Purposes if the Said Susannah Risteau was in her Self and in her own right Seized of and in the like Estate in the Said House and Lotts and the other Small Parcell of Land thereto Contiguous and other the Premises respectively
p. 347 as the Said Talbot Risteau was Seized of at the Time of his Death and the monies Arising on Such Sale or Sales to lay out apply and Dispose of for and Towards the Payment and Satisfaction of the Debts of the Said Talbot Risteau which he did owe at the Time of his Death now Remaining due and unsatisfied and to the Satisfaction and Discharge whereof the Personall Estate of the Said Talbot Risteau will not extend in Proposition to the Respective Sums of Such Debts Respectively now due as aforesaid and without any regard to the Nature or Priority in Payment of them or any of them in Law and if it Should so happen that the Monies Ariseing on Such Sale or Sales as aforesaid Should be more then Sufficient to pay and Satisfie the Debts of the Said Talbot Risteau now due as aforesaid that then the overplus thereof Shall be and Remain to the use of the Orphan Child aforesaid of the Said Talbot Risteau and shall be Secured for and paid to Such Child in the Same Manner as if the Same had been his Share of his Said Fathers Personall Estate, And to the said end that Discovery Should be made of Such Ballance if any such should be and that the Same may be Duly Secured Accordingly Be it Enacted that the Said Susannah Risteau Shall before Such Sale or Sales give Security to the Deputy Commissary of Baltimore County that she shall and will Dispose and Account

Liber H. S. No. 1

for the Monies Arising by Such Sale or Sales Agreeable to the Intention of this Act and Shall at Such Sale or Sales Produce a Certificate that Such Security has been Given and that the Said Susannah Risteau Shall within Twelve Months after Such Vendue as aforesaid Account for the Produce of Such Sale in the Same manner as if the Same was Properly Personal Estate Save that the Proportion as af^{d} Shall be regarded and not the nature or Preference in Law to Debts due from the Said Talbot Risteau as aforesaid. Provided always and be it Enacted that this Act Shall not extend to Impower the Said Susannah Risteau to Burthen or charge the Said Orphan of the aforesaid Talbot Risteau or any Person or Persons Claiming by from or under either of them with any General or other Warranty than against the Said Talbot Risteau and his Heirs Saving to his Most Sacred Majesty his Heirs and Successors To the Right Honourable the Lord Proprietary his Heirs and Successors and all Bodies Politick and Corporate and all others not mentioned in this Act their Several and Respective Rights

10th December 1757
Read and Assented to By the Lower House of Assembly
Signed ꝑ Order
MMacnemara Cl lo ho.

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.^{o} Sharpe

10 Decem. 1757
Read and assented to by the upper house of Assembly
Signed ꝑ Order
JRoss Cl Up Ho

The Great Seal in Wax app.^{t}

No. 16 An Act continuing an Act, entituled, An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of Jonas Green, of the City of Annapolis, Printer. p. 348

[An Act continued.]

I. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly, made at a Session of Assembly begun and held at the City of Annapolis the Twenty-third Day of February, Anno Domini Seventeen Hundred and Fifty-six, entituled, An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of Jonas Green, of the City of Annapolis, Printer, be, and is hereby continued, and shall remain and be in full Force until the Twentieth Day of December, in the Year One Thousand Seven Hundred and Fifty-eight.

[Sheriffs to pay Sums heretofore levied.]

II. And whereas some of the Laws and Votes of former Sessions of Assembly, have not been delivered to the respective County Clerks within the Time or Times by the said Act limited, whereby the said County Clerks were prevented from giving a Certificate or Certificates of their being delivered as required, to enable the several and respective Sheriffs to pay to the said Jonas Green, or his Order, the several and respective Sums of Money, by the said Act levied for his Use, Liber H. S. No. 1 for printing and delivering the Laws and Votes as aforesaid; Be it therefore Enacted by the Authority aforesaid, That the several and respective Sheriffs within this Province, be, and are hereby obliged and required to pay to the said Jonas Green, or his Order, all and every Sum or Sums of Money, heretofore levied for the said Jonas Green by the said Act; any Neglect, or Want of such Certificate as aforesaid, or any Clause, Matter or Requisite, in the said Act mentioned to the contrary, notwithstanding.

15th December 1757
Read and assented to
By the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.^{o} Sharpe

15 December 1757
Read and assented to
by the upper house of assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax app^{t}

No. 17 An additional Supplementary Act to the Act, entituled, An Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit, established by Act of Assembly, the Sum of £4500 Current Money, for Encouragement of such able-bodied Freemen as shall voluntarily Enlist themselves into his Majesty's Service, for the intended Expedition against Canada; and for maintaining and conveying them to the Place of Rendezvous; as also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary-Keepers; and for other Purposes therein mentioned.

[Preamble.] I. Whereas it is represented to this General Assembly, That the Laws heretofore made, to prevent and restrain any Person or Persons within this Province, not having obtained a Licence to sell or retail spirituous Liquors in small Quantities, are insufficient for that Purpose, and that such Practices not only encourage many People, especially of the poorer Sort, to loiter and waste their Time in Rioting and Drunkenness, to the great Damage of themselves and Families, but also are of manifest Prejudice and Discouragement to several licenced Ordinary-Keepers, who, at this Time, for their Licences, pay a considerable Sum towards defraying the public Charge. And whereas it is become a common Practice for Persons of low Character, as well Ordinary-Keepers as others, the better to make a Profit on the Sale of strong and spirituous Liquors, to advertise, and hold what they call Fairs, or make Horse Races, thereby drawing together many idle and disorderly People, especially the Negroes and Servants living near the Place or Places where such Fairs are kept and held, to the great Prejudice of the Masters or Owners of such Negroes and Servants, and to the manifest Encouragement of Licentiousness and Debauchery: For Remedy thereof, it is prayed that it may be enacted, p. 349

II. And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from the first Day of March, which shall be in the Year of our Lord, One Thousand Seven Hundred and Fifty Eight, it shall not be lawful for any Person or Persons whatsoever, not being licenced to keep Ordinary, to sell any Quantity of Rum, Brandy, Cyder, or other spirituous Liquors, or any mixt Drink, in which is contained any such spirituous Liquor, and suffer the same, or any Part thereof, to be drank in or about his, or her or their House or Houses, or on his, her or their Plantation or Plantations, under the Penalty of Thirty Shillings Current Money, for every Quantity of such spirituous Liquors, or mixt Drink, sold at one Time, to one or more Persons, and suffered to be drank as aforesaid.

Liber H. S. No. 1 [30 s. Penalty for selling Liquor, except by Persons licenced.]

III. And be it further Enacted, That from and after the said first Day of March, in the Year 1758, if any Person or Persons, other than licenced Ordinary-Keepers, shall presume to sell or dispose of any Quantity of such spirituous Liquors, or mixt Drink, at or near the Court-House of any County in this Province, during the Sitting of the County Court, or Court-Martial, or at any other public Time, or at or near the Place of any Muster, or Training of the Militia, such Person or Persons, so offending, shall, for every Quantity of such spirituous Liquors, sold to one or more Persons, at one Time, either mixt or otherwise, forfeit and pay the Sum of Thirty Shillings Current Money, to be recovered before one Magistrate, as in Case of small Debts, and applied as herein after directed. Provided always, That nothing in this Act contained, shall be construed to prohibit any Merchant, or Person keeping Store for Sale of Merchandize, residing at any Court-House within this Province, from retailing Liquors, so as such Liquors be not drank, or intended to be drank, at the House, Store, or Place, where the same shall be sold.

[Not at Court-Houses or Musters.]

[Proviso as to Merchants retailing.]

IV. And be it further Enacted, That from and after the said First Day of March, in the Year 1758, if any Person or Persons whatsoever, shall make or hold what is commonly called a Fair, or shall set up any Liquor, Goods, Wares, or Merchandize of any Sort or Kind, or Sum or Sums of Money, to be run for, by Men or Women, or by Horses, Mares, or Geldings, or to be shot for, or contended for in any Manner whatsoever, and at the Place where such Fair is kept or held, or where such Liquor, Goods, Wares and Merchandizes, or Sum or Sums of Money are set up to be contended for, as aforesaid, shall sell or dispose of, or cause to be sold or disposed of, by his, her, or their Servants or Slaves, or by any other Person, in his, her, or their Behalf, any Quantity of Wine, Rum, Brandy, Cyder, or other spirituous Liquor, or any mixt Drink, in which is contained any such strong or spirituous Liquor; such Person or Persons, so offending, shall forfeit and pay the Sum of Five Pounds Current Money, to be

[Persons holding Fairs not to sell Liquor, under a Penalty of 5 l.]

p. 350

recovered, with Costs, in the County Court where the Offence shall be committed, by Action of Debt, Bill, Plaint, Indictment or Information, where no Essoin, Protection, or Wager of Law shall be allowed, or more than one Imparlance, and applied as herein after directed.

[Penalty on Others.]

[Proviso as to Fairs established.]

[None but Ordinary-Keepers to sell.]

V. And be it further Enacted, That if any Person or Persons, other than the Person or Persons making such Fair, or setting up such Goods, Wares or Merchandize, or Sum or Sums of Money, to be contended for, as aforesaid, shall, at any Place of Meeting, for the Purposes aforesaid, sell or dispose of, or cause to be sold or disposed of, any Wine, Rum, Brandy, Cyder, or other strong and spirituous Liquors, or any Mixed Drink, in which is contained any such strong or spirituous Liquor, such Person or Persons, so offending, shall forfeit and pay the Sum of Five Pounds Current Money, to be recovered in the Manner last before mentioned, and applied as herein after directed. Provided always, That nothing in this Act contained, shall extend, or be construed to extend, to prohibit any Person or Persons from selling strong and spirituous Liquors, or any mixture of the same, at any Fair authorized and established by Act of Assembly of this Province, Charter, or Bye-Law of any Corporation, or to prohibit licenced Ordinary-Keepers from selling strong and spirituous Liquors, or any mixture of the same, at Horse Races, to be run for any Sum or Sums of Money, exceeding the Sum of Five Pounds Current Money. Provided nevertheless, and be it Enacted, That it shall not be lawful for any Person or Persons whatsoever, other than licenced Ordinary-Keepers, to sell or dispose of, at any such Horse Race, any Wine, Rum, Brandy, Cyder, or other strong or spirituous Liquor, or many mixed Drink, in which is contained any such strong or spirituous Liquor, under Pain of forfeiting, for every Quantity of such strong and spirituous Liquor, or mixed Drink, sold at one Time, to one or more Persons, the Sum of Thirty Shillings Current Money; to be recovered as in Case of small Debts before a single Magistrate, and applied as herein after directed.

[Also none else to set up Booths on the Roads &c.]

[Penalty.]

VI. And be it further Enacted, by the Authority aforesaid, That it shall not be lawful for any Person or Persons (except licenced Ordinary-Keepers at the Time of Horse Racing as aforesaid), at any Time to set up, or cause to be set up, a Booth, or other Conveniency, on or near any public Road, or at any other Place, except where Fairs established by Act of Assembly, Charter, or Bye-Law of any Corporation, are held, and sell or dispose of thereat, any Quantity of Wine, Rum, Brandy, Cyder, or other mixed Drink, in which is contained any such strong or spirituous Liquors, under the Penalty of Thirty Shillings Current Money, for every Quantity of such strong or spirituous Liquors, or mixed Drink, sold at one Time, to one or more Persons; to be recovered before one Justice of the Peace, as in Case of small Debts, and applied as herein after directed. Provided always, and be it Enacted, That it shall not be lawful for any such licenced Ordinary-Keeper to sell, or dispose of, after Sun-set, at the Time and Place of Horse Racing as aforesaid, any such strong or spirituous Liquors, or mixed Drink, on Pain of forfeiting, for every such Offence, the Sum of Five Pounds Current Money; to be recovered, with Costs, in the County Court where the Offence shall be committed, by Action of Debt, Bill, Plaint, Indictment or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed, or more than one Imparlance, and applied as herein after directed.

Liber H. S. No. 1 [None to be sold after Sunset.]

p. 351

VII. And be it further Enacted, by the Authority aforesaid, That it shall not be lawful for any Master or Commander, or any other Officer, Skipper or Sailor, belonging to any Ship, Sloop, or other Vessel within this Province, to sell (except to Sailors belonging to, or Persons employed to labour on board any such Ship, Sloop, or other Vessel), any Wine, Rum, Cyder, Brandy, or other spirituous Liquors, or any mixed Drink, in which is contained any such spirituous Liquor, and suffer the same to be drank in such Vessel, under the Penalty of Thirty Shillings Current Money, for every Quantity of such Liquors, or mixed Drink, in which is contained any such Liquors, so sold, and suffered to be drank, as aforesaid; to be recovered before one Justice of the Peace, as in Case of small Debts, and applied as herein after directed.

[Penalty for retailing on board Vessels.]

VIII. And whereas the extensive Credit given in Ordinaries, or Inns, within this Province, is found by Experience to be very prejudicial, both to the Ordinary-Keepers, or Innholders, and others the good People of this Province: For Remedy whereof, Be it Enacted by the Authority aforesaid, That if any Ordinary-Keeper, or Innholder, within this Province, shall, after the said First Day of March next, presume to trust or credit any Person or Persons, other than Travellers, more or above the Sum of Ten Shillings Current Money of this Province, he, she or they, so trusting or crediting any Person or Persons more than the Sum of Ten Shillings, as aforesaid, for any Sorts of strong Liquors, or other Tavern Expences, shall lose the Debt, and thereby be disabled from ever recovering the said Debt, or any Part thereof; and in any Action in a Court of Justice, or Dispute before a Justice of the Peace, between any Ordinary-Keeper or Innholder, and any Person or Persons other than Travellers, for any Debt so as aforesaid contracted, such Court, and the Jury in any Trial by a Jury, or Justice of the Peace, shall, by Virtue of this Act, consider and inquire, whether any Part of such Debt, so sued for or claimed, before such Justice of the Peace, be contracted contrary to the true Intent and Meaning of this Act; and if it shall appear to such Court and Jury, or Justice of the Peace, that any Part of such Debt was contracted contrary to this Act, that then the Plaintiff shall be nonsuit, and the Defendant recover his Cost of Suit; and that in Case any Action or Demand shall be brought, by any Ordinary-

[Inn-Keepers not to trust above 10s. except to Travellers.]

Liber H. S. No. 1 Keeper, or Innholder, on any Obligation, under the Hand and Seal of any Person or Persons, other than Travellers, or upon any Note, or Writing under the Hand only of such Defendant or Debtor, or if any such Obligation, Note, or Writing shall be given in Evidence to support such Action or Demand, it shall and may be lawful for the Defendant or Debtor, or Defendants or Debtors, in every such Action or Demand, to plead the General Issue; and that then, and in every such Case, it shall be incumbent on the Plaintiff to prove for what Consideration such Obligation, Note, or Writing was passed, and if such Plaintiff does not prove the same to have been passed for some other Consideration than Liquor, or other Accommodations, or Tavern Expences, trusted or credited as aforesaid, the Plaintiff shall be nonsuit, and the Defendant or Defendants shall recover full Costs of Suit.

p. 352 [Duty of Constables as to any Breach of this Act.] IX. And be it further Enacted, That it shall and is hereby declared to be the Duty of the several Constables, in their respective Hundreds, upon View, or Information given them, of any Breach of this Act, to apprehend the Offender or Offenders, and carry him, her or them, before some Justice of the Peace of the County where the Offence shall be committed, to be dealt with according to Law, and the Directions of this Act; and if any Constable on View, or Information given him, of any Breach of this Act, shall refuse or neglect to do his Duty therein, he shall forfeit, for every such Refusal, or Neglect, the Sum of Five Pounds Current Money; to be recovered with Costs, in the County Court where such Offence shall be committed, by Action of Debt, Bill, Plaint, Indictment or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed, or more than one Imparlance, and applied as herein after directed.

[Their Fee.] X. And be it further Enacted, That it shall and may be lawful for any Justice of the Peace, before whom any Offender or Offenders shall be convicted for a Breach of this Act, to award to the Constable, as a Fee for serving a Warrant in such Case, or for apprehending and bringing to Justice such Offender or Offenders, the Sum of Two Shillings and Six-Pence Current Money.

[Recovery and application of Penalties.] XI. And be it further Enacted, That all and every of the Fines, Forfeitures, and Penalties by this Act imposed, shall be recovered as herein before directed, and applied one Half thereof to the Use of the Informer, or him, her, or them that shall sue for the same, the other Half to be paid to the Commissioners or Trustees of the Loan-Office, and applied to the same Purpose respectively, that the Ordinary-Licence Money is directed to be applied by the several Acts of Assembly which continue such Parts of the Act to which this is a Supplement, as relate to the Regulating of Ordinaries, Ordinary-Keepers, granting Ordinary-Licences, and the several Clauses, Matters, and Things therein mentioned, concerning the same.

XII. And for the better collecting and paying the several Forfeitures that shall arise and become due, by Means of this Act; Be it further Enacted, That every Justice, before whom any such Conviction shall be as aforesaid, shall, upon Receipt of one Half of such Forfeiture, forthwith pay the same to the Sheriff of the County where such Offence shall be committed, and shall also, and is hereby directed, at the November Court of his respective County, yearly, to deliver to the Clerk of such County, an Account of every such Conviction, Receipt and Payment, on Pain of forfeiting, for every Neglect thereof, the Sum of Ten Pounds Current Money; to be recovered with Costs in the County Court were such Offence shall be committed, by Action of Debt, Bill, Plaint, Indictment or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed, or more than one Imparlance, and applied as herein before directed. And that the Clerk of every Court, before whom any Recovery shall be had, of any Forfeiture by Means of this Act, or to whom any Justice of the Peace shall deliver such Account as aforesaid, shall, and is hereby required, by the Twenty-Fifth Day of December yearly, to transmit to the Commissioners aforesaid, a true List and Account of all and every such Forfeitures so recovered in his County as aforesaid: And that every Sheriff who shall receive any such Forfeitures or Fines, shall, and is hereby directed to pay the same to the Commissioners or Trustees aforesaid, by the Twenty-Fifth Day of December, yearly. Provided always, That if any Justice, or Constable, shall be sued or prosecuted, for any Thing done in pursuance of this Act, he or they may plead the General Issue, and give this Act, and the special Matter in Evidence, for their Justification, and if the Plaintiff or Prosecutor become nonsuit, or forbear Prosecution, or suffer Discontinuance, or if a Verdict pass against him in such Action, Suit or Information, the Defendant shall have and be allowed treble Costs; to be recovered as in Case where Costs by Law are given to Defendants.

Liber H. S. No. 1
[Justices to account at November Court.]

p. 353

XIII. Provided also, That no Person or Persons shall be sued or prosecuted for any Offence against this Act, unless such Suit or Prosecution shall be commenced within Six Months after such Offence committed. [Proviso.]

XIV. Provided always, That nothing in this Act contained, shall debar or hinder any Person or Persons, or his or their Agents, Clerks, or other Managers within this Province, to sell or dispose of any such strong or spirituous Liquors, to Tradesmen, Labourers or others, hired or employed by such Person or Persons, or his or their Agents, Clerks or Managers. [Proviso.]

XV. This Act to continue for Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years. [Continuation.]

Liber H. S. No. 1 p. 354

I do hereby Certify that Reverdy Ghiselin Clerk of the Provincial Court and Secretarys Office of the Province of Maryland this day personally appeared before me the Subscriber one of the Right Honourable the Lord Proprietary of the Province aforesaid his Council of State and made Oath on the Holy Evangels of Almighty God that he carefully Examined the Laws contained in this Book beginning at folio 338 and ending at Folio 353 with the Original Acts passed the Great Seal. Sworn to this twenty second day of February Anno Dom 1757

Benj: Tasker Jun

SEAL

The Seal of the Provincial Court is hereunto Affixed on behalf of Benjamin Tasker Esquire Deputy Secretary of Maryland.

ꝑ Reverdy Ghiselin Clerk of the Secretary's Office and Provincial Court.

PROCEEDINGS

OF THE

GENERAL ASSEMBLY OF MARYLAND

At a Session Held at Annapolis, February 13–March 9, 1758.
Being the Second Session of the Assembly Elected in
September, 1757.

FREDERICK CALVERT, LORD BALTIMORE,
Lord Proprietary.

HORATIO SHARPE,
Governor.

PROCEEDINGS

OF THE

UPPER HOUSE OF ASSEMBLY

U. H. J.
Liber No. 35
1758,
Feb. 13
p. 239

At a Convention of Assembly begun and held at the City of Annapolis on Monday the 13.th Day of February in the seventh Year of his Lordship's Dominion Annoque Domini 1758.

Present

His Excellency Horatio Sharpe Esq. Governor

The honourable
Benjamin Tasker Esq.
Col: Charles Hammond
Samuel Chamberlaine Esq.
Col: Benjamin Tasker
Richard Lee Esq:^{r}
Benedict Calvert Esq.^{r}
Daniel Dulany Esq.

Col: Henry and M.^{r} Plater from the Lower House acquaint his Excellency that there are a sufficient Number of Members met to make a House and wait his Excellency's Commands

Col: Charles Hammond, and Samuel Chamberlaine Esq.^{r} are sent to acquaint the Lower House that his Excellency requires their Attendance in the Upper House immediately.

The Lower House attend, and his Excellency is pleased to make the follow^g Speech

Gentlemen of the Upper and Lower Houses of Assembly

Having received an Answer from the Earl of Loudoun to a Letter which I sent him with the Addresses that you were pleased to present me the 15.th and 16.th of December, and with a Copy of a Bill that had been framed in the Lower House during the late Session, I thought it incumbent on me to meet you at this Time to communicate to you his Lordship's Sentiments with Regard to that Bill, and to give you an Opportunity of making proper Provision for the Support of the Troops that have been raised here for his Majesty's Service, and the more immediate Defence and Security of this Province. I shall give Orders for Copies of the Earl of Loudoun's Letter to be laid before you in Confidence that you will when you have considered it, think his Lordship's Requisition very reasonable, and you will not I persuade myself disappoint him in the Hopes he entertains, that your Care for the Preservation of the Lives and Properties of your Fellow Subjects, your Zeal for the common Cause and your Duty to the King will induce you to grant the Supplies which you may judge necessary by such a Bill as might be agreeable to our happy Constitution

U. H. J. Liber No. 35 Feb. 13 Mess.^{rs} Plater and Southeron from the Lower House attend with M. Reeder a Member elected for S.^{t} Mary's County to see him qualified who takes the Oath to the Government appointed to be taken by p. 240 Act of Assembly repeats and subscribes the Abjuration and Test and then withdraws.

Adjourned till to Morrow Morning 10. of the Clock

Feb. 14 Friday Morning 14. February 1750.

This House met again according to Adjournm.^{t}

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message is sent from the Lower House by Mess.^{rs} Lloyd and Hanson

By the Lower House of Assembly 14. February 1758.

May it please your Honours

This House hath appointed, M.^{r} Dulany, M.^{r} Earle, Col: Henry, M.^{r} Lloyd, M.^{r} Bracco, M.^{r} Williamson, M.^{r} Matthew Tilghman, M.^{r} Worthington, and M.^{r} Hanson a Committee from this House to inspect the Account and Proceedings of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly, and desire your Honours to appoint one or more Members of y.^{e} Members of your House to join in the said Committee

Signed ꝑ Order M Macnemara Cl. Lo. Ho:

The following Message is sent to the Lower House by Samuel Chamberlaine Esq.^{r}

By the upper House of Assembly 14. February 1758

Gentlemen

This House hath appointed Samuel Chamberlaine Esq: to join the Members named by your House in a Committee to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office

Signed ꝑ Order M Macnemara Cl: lo: Ho:

Adjourned till to Morrow Morning 10. o' the Clock

Wednesday Morning 15: February 1758.

This House met again according to Adjournment

U. H. J.
Liber No. 35
Feb. 15

Present as Yesterday

Benjamin Tasker Esq. attended by the Members of this House presents to his Excellency their Address which follows in these Words

To his Excellency Horatio Sharpe Esq. Governor and Commander in Chief in and over the Province of Maryland p. 241

The humble Address of the upper House of Assembly

May it please your Excellency

We return your Excellency our Thanks for your Speech at the Opening of this Session and are well pleased to find from the Copy of the Earl of Loudoun's Letter laid before us, that his Lordship approves of our Conduct in rejecting the late Supply Bill, We beg Leave again to assure you that excited by a zealous Regard for the nearest Interests of our Fellow Subjects, and a just Sense of the Duty we owe to our most gracious Sovereign, we shall with the greatest Pleasure and Alacrity do our Part towards the Support of a Number of Troops, adequate to the Circumstances, and Ability of our Country, and that if a Bill for this Purpose should be framed with a proper Regard to the Rights of the Crown, and the State and Constitution of this Province, it shall receive our chearful Assent

B. Tasker Presid.t

Feb:y 15. 1758

Adjourned till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning

Adjourned till to Morrow Morning 10. of the Clock

Thursday Morning 16. February 1758. Feb. 16

This House met again according to Adjournm.t

Present as Yesterday

His Excellency is pleased to communicate to this House his Answer to their Address which follows in these Words

Gentlemen of the Upper House of Assembly.

I am convinced by your past Conduct that you will with the greatest Alacrity at this Time provide as far as is in your Power for the Support of the Troops that the Earl of Loudoun desires us to keep up, and I hope that before the End of this Session such a Bill will be framed for that Purpose with a proper Regard to the Rights of the Crown,

U. H. J. Liber No. 35 Feb. 16 and the State and Constitution of this Province, as might meet with your ready Concurrence

Hor:° Sharpe

p. 242 Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned till to Morrow Morning 10. of the Clock

Feb. 17 Friday Morning 17. of February 1758.

This House met again according to Adjournment

Present as Yesterday

Read the Petition of Thomas Clark and George Scott, setting forth that having spent some Time in collecting the public Laws of this Province, which they propose to print in one Volume with marginal Notes thereto they pray that some Encouragement may be given them by the Legislature towards the Publication of the same, referred to the Consideration of the Lower House, and sent by Daniel Dulany Esq

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Feb. 18 Saturday Morning 18. February 1758.

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till Monday Morning ten of the Clock

Monday Morning 20. February 1758.

U. H. J.
Liber No. 35
Feb. 20

This House met again according to Adjournm.^{t}

Present

p. 243

The honourable
Benjamin Tasker Esq.
Samuel Chamberlaine Esq.
Col: Benjamin Tasker
Richard Lee Esq.
Benedict Calvert Esq.
Daniel Dulany Esq.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. o' the Clock.

Tuesday Morning 21. of February 1758.

Feb. 21

This House met again according to Adjournm.^{t}

Present as Yesterday

Adjourned till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.^{t}

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Wednesday Morning 22. February 1758

Feb. 22

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem.

This House met again according to Adjournment

Present as in the Morning and Col: Hammond

Adjourned till to Morrow Morning 10. of the Clock

U. H. J.
Liber No. 35
Feb. 23

Thursday Morning 23. February 1758.

This House met again according to Adjournment

Present as in the Morning

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

p. 244 This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning 10. of the Clock

Feb. 24 Friday Morning 24. February 1758.

This House met again according to Adjournm.^{t}

Present as Yesterday except Col: Hammond

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.^{t}

Present as in the Morning

Richard Lee and Benedict Calvert Esq.^{r} are sent to the Lower House to acquaint them his Excellency requires their Attendance in the Upper House immediately

The Lower House attend and his Excellency is pleased to make the following Speech

Gentlemen of the Upper and Lower Houses of Assembly

You will learn from a Copy of a Letter received this Morning from the Earl of Loudoun which I shall order to be laid before you that his Lordship is determined to pursue vigorous, and offensive Measures this Spring against the Enemy that has lately so much annoyed these Colonies, if they will on their Parts agree to Support and assist him in carrying his Plan into Execution, you will see likewise that for this Purpose his Lordship desires and expects that we will raise and provide for the cloathing and Payment of an additional Number of Troops over and above the five Companies that have been already raised here, and that are now posted in the two Forts which have been built within this Province

As the Earl of Loudoun in Order that the Expence to your Constituents might be as light as possible will give Directions for these

Additionals to be victualled with the King's Provision from the Time that they shall join his Majesty's regular Forces to the End of the Campaign, when they will be dismissed, I flatter myself that you will the more readily agree to his Lordship's Proposals, and as the Time allowed for raising those Men is so very Short you will I hope come to a Speedy Resolution on this Matter, and to such a one as might evince that now a fair Opportunity offers, you are determined to be in the Number of those of his Majesty's dutiful and loyal Subjects that are most zealous to promote his Service, and most desirous of providing effectually for the future as well as the present Security of this Country, the 24.th February 1758.

U. H. J.
Liber No. 35
Feb. 24

p. 245

New York Feb.y 13, 1758.

S.r

As I am directed by his Majesty to apply to the several Governments in North America for such Aid and Assistance as are necessary for carrying on the War in this Country which is likewise fully expressed in the several Letters transmitted by his Majesty's Secretaries of State down from S.r Thomas Robinson's Letters to them of the 26.th of October 1754 to this Time directing that they should correspond, and co-operate with his Majesty's Commander in Chief for the Time being in North America; and that they will use their utmost Endeavours to induce their Councils and Assemblies to give the necessary Orders for raising their Quotas of Men with the greatest Expedition, so that they may be ready to march to such Places as the Commander in Chief shall direct

In Consequence of which Orders I do now apply to you to use your utmost Endeav:rs with your Council and Assembly to furnish a Body of four hundred good Men, and that as many of them as possible should be used to ranging to act in Conjunction with his Maty's Forces the next Spring in carrying on vigorous and offensive Measures against the Enemy over and above what is necessary for the Defence of your Forts on the Frontiers of your Province, and that this Body should be ready to march by the Beginning of April.

As this will occasion the raising an additional Number to what your Province now have, I could propose to you that the Addition should be raised only for the Campaign and to be dismissed at the End of it by which Means I am of Opinion that it will not only be less expensive to the Province but you will the sooner compleat your Quota with good Men, as they will be enabled to return to their own Habitation in the Winter.

I am the further induced to expect that they will readily comply with this Request that I will as soon as they join his Majesty's Forces supply them with the King's Provisions at the Expence of the Crown which will greatly ease the Province in that material Article and as the Service I propose to employ them on will be an immediate Benefit

U. H. J. Liber No. 35 Feb. 24 p. 246 and Security to your Province, I need use no Arguments to induce you who are so well acquainted with the Interest of this Country to use your utmost Endeavours to forward this Measure so essential for carrying on the War, and the Safety of your own Province

I am with great Regard
S.r Your most obed.t humble Servant
Loudoun

To Gov.r Sharpe.

Adjourned till to Morrow Morning 10. of the Clock.

Feb. 25 Saturday Morning 25: February 1758.

This House met again according to Adjournm.t

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till Monday Morning 10. of the Clock

Feb. 27 Monday Morning 27. February 1758.

This House met again according to Adjournment

Present

The honourable
Benjamin Tasker Esq.
Samuel Chamberlaine Esq.
Col: Benjamin Tasker
Richard Lee Esq.
Daniel Dulany Esq.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Feb. 28 Tuesday Morning 28. February 1758:

This House met again according to Adjournment

Present as Yesterday and Col: Hammond

U. H. J.
Liber No. 35
Feb. 28

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem.

This House met again according to Adjournm.t p. 247

Present as in the Morning

Benjamin Tasker Esq. attended by the Members of this House presents to his Excellency their Address which follows in these Words

To his Excellency Horatio Sharpe Esq. Governor and Commander in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly

May it please your Excellency

We return your Excellency our Thanks for your Speech on the 24. Instant, The Earl of Loudoun's Letter you have been pleased to communicate to both Houses of Assembly gives us peculiar pleasure and Satisfaction

The vigorous Measures his Lordship intends to pursue are so evidently conducive to the immediate Security and future Ease of this Province, that at the same Time we beg Leave to assure your Excellency we think ourselves bound by an indispensible Duty to comply with his Lordship's Proposition as far as we are able, we can't but acknowledge our Obligation to his Lordship for this Instance of his great Attention to our Interests

B. Tasker Presid.t

Adjourned till to Morrow Morning 10. of the Clock

Wednesday Morning 1.st March 1758. Mar. 1

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 2.d March 1758. Mar. 2

This House met again according to Adjournm.t

U. H. J. Liber No. 35 Mar. 2 p. 248

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning ten of the Clock

Mar. 3 Friday Morning 3.^{d} of March 1758.

This House met again according to Adjournment

Present as Yesterday

The following Message is sent to the Lower House by Benedict Calvert Esq.

By the Upper House of Assembly 3.^{d} March 1758.

Gentlemen

This House hath named Benedict Calvert Esq: to join such Members as your House shall appoint to inspect the Accounts of the Agents appointed to execute and perform the several Matters and Things, expressed in the Act, entituled, An Act for granting a Supply of £40,000. for his Majesty's Service, and striking £34015.6.0. thereof in Bills of Credit, and raising a Fund for sinking the same

Signed ꝑ. Order J Ross Cl Upp Ho

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.^{t}

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Mar. 4 Saturday Morning 4. March 1758.

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by M.^{r} Lloyd and eleven others, intitled, An Act for granting a Supply of £30,000. for his Majesty's Service, and the more immediate Defence and Security of the Fron-
p. 249 tier Inhabitants of this Province, and emitting £20,000. thereof in Bills of Credit and raising a Fund for sinking and replacing the

Whole by an equal Assessment on all Estates real and personal, and lucrative Offices, and Employments thus endorsed U. H. J. Liber No. 35 Mar. 4

By the Lower House of Assembly 27.th February 1758.

Read the first Time and ordered to lie on the Table

Signed ꝑ. Order M Macnemara Cl. Lo. Ho:

By the Lower House of Assembly 2.d March 1758.

Read and committed for Amendments

Signed ꝑ. Order M Macnemara Cl Lo Ho:

By the Lower House of Assembly 4. March 1758.

Read the second Time with the Amendments & will pass.

Signed ꝑ Order M Macnemara Cl. Lo. Ho.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till Monday Morning 10. of the Clock

Monday Morning 6. March 1758. Mar. 6

This House met again according to Adjournm.t

Present

The honourable
Benjamin Tasker Esq.
Samuel Chamberlaine Esq.
Col: Benjamin Tasker
Benedict Calvert Esq.
Daniel Dulany Esq.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess.rs Govane and Dey, entituled An Act for the Continuance of Causes Pleas, and sundry other Proceedings in Baltimore thus endorsed p. 250

By the Lower House of Assembly 6. March 1758.

Read the first and second Time by an especial Order and will pass

Signed ꝑ. Order M Macnemara Cl: Lo: Ho:

Read the first and second Time in this House passed, and sent to the Lower House by Benjamin Tasker Esq.

U. H. J. Liber No. 35 Mar. 6 An engrossed Bill from the Lower House by Mess.[rs] Govane and Deye, entituled, An Act for the Continuance of Causes, Pleas, and sundry other Proceedings in Baltimore thus subscribed

6: March 1758: Read and assented to by the Lower House of Assembly

Signed ℘. Order MMacnemara Cl: Lo: Ho:

Read and assented to by this House, and ordered to be so subscribed

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.[t]

Present as in the Morning

Read the first Time the Bill, entituled, An Act for granting a Supply of £30,000: for his Majesty's Service and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and emitting £20,000: thereof in Bills of Credit, and raising a Fund for sinking and replacing the whole by an equal Assessment on all Estates real, and personal and lucrative Offices, and Employments, and will not pass, and sent by Samuel Chamberlaine Esq.[r]

Adjourned 'till to Morrow Morning 10: of the Clock

Mar. 7 [No entries of Upper House proceedings for Tuesday, March 7, 1758, are entered in the manuscript proceeding]

Mar. 8 Wednesday Morning 8. March 1758.

This House met again according to Adjournment

Present as Yesterday except Col: Hammond

By the Upper House of Assembly 8.[th] March 1758.

Ordered that the Clerk of this House do give Notice to the Agents, appointed by the Act entituled, An Act for granting a Supply of p. 251 £40,000: for his Majesty's Service, and striking £34015.6.0: thereof in Bills of Credit, and raising a Fund for sinking the same to lay or cause to be laid before this House their Accounts of the Sums of Money received, and applied by them in Pursuance of the said Act for Inspection and Examination.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the second Time the Bill, entituled, A supplementary Act to an Act for granting a Supply of £40,000: for his Majesty's Service, and striking £34015.6.0 thereof in Bills of Credit, and raising a Fund for sinking the same: passed, and sent to the Lower House by Benedict Calvert Esq: U. H. J. Liber No. 35 Mar. 8

Adjourned 'till to Morrow Morning 10. of the Clock.

Thursday Morning 9.th March 1758. Mar. 9

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess.rs Gantt and Tilden, entituled, An Act to make it pænal to forge or counterfeit the Bills of Credit of Virginia, Pensylvania, New York East or West Jerseys, or the three Lower Counties on Delaware, called Newcastle, Kent, and Sussex, or to utter, or tender the same in Payment within this Province knowing them to be such thus endorsed:

By the Lower House of Assembly 9:th March 1758.

Read the first and second Time by an especial Order, and will pass.

Signed ꝑ: Order MMacnemara Cl Lo: Ho:

and the Bill, entituled, An Act for the Security of Purchasers, and others claiming by or from Aliens thus endorsed.

By the Lower House of Assembly 21: February 1758:

Read the first Time, and ordered to lye on the Table

Signed ꝑ: Order MMacnemara Cl: Lo: Ho:

By the Lower House of Assembly 9.th March 1758. p. 252

Read the second Time, and will pass

Signed ꝑ. Order M. Macnemara Cl Lo Ho:

Samuel Chamberlaine Esq.r and Col: Benjamin Tasker are sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House in the Upper House

The Lower House attend and his Excellency is pleased to conclude this Convention with the following Speech

Gentlemen of the Upper and Lower Houses of Assembly

I have thought fit with the Advice of his Lordship's Council of State to prorogue this Assembly to Friday the 23.d of this Instant, March you are therefore to take Notice that you are prorogued to that Day accordingly

Thus ends this Convention of Assembly begun and held at the City of Annapolis, on Monday the 13.th of February, and ending the ninth Day of March following, in the seventh Year of his Lordships Dominion, and in the thirty first Year of his Majesty's Reign, Anno Domini 1758.

Jn:o Ross Cl. Upp. Ho:

PROCEEDINGS OF THE LOWER HOUSE OF ASSEMBLY

L. H. J.
Liber No. 49
1757-1758
Feb. 13
p. 236

At a Meeting in Assembly at the City of Annapolis on Monday the 13th Day of February, in the Seventh Year of the Dominion of Frederick, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. and in the Year of our Lord, One Thousand Seven Hundred and Fifty-eight (his Excellency Horatio Sharpe, Esq; being Governor), the following Delegates appeared in the Lower House of Assembly;

The Honourable Col. Henry Hooper, Speaker.

For St. Mary's County,

Mr. George Plater,
Mr. Henry Greenfield Sothoron,
Mr. Edmund Key.

For Kent County,

Alexander Williamson, Esq;
Major William Hynson.

For Anne-Arundel County,

Mr. Charles Carroll,
Mr. Brice Thomas Beale Worthington.

For Calvert County,

Mr. James John Mackall,
Mr. Thomas Reynolds,
Mr. Edward Gantt.

For Charles County,

Mr. John Hanson, junior,
Mr. Arthur Lee,
Capt. George Dent.

For Dorchester County,

Mr. Joseph Cox Gray.

For Baltimore County,

Mr. William Govane,
Mr. John Hammond Dorsey,
Mr. Thomas Cockey Deye,
Mr. Samuel Owings.

For the City of Annapolis,

Mr. Walter Dulany,
Mr. Henry Woodward.

For Prince-George's County,

Mr. William Murdock,
Mr. George Fraser,
Mr. Thomas Gantt,
Mr. Francis King.

For Queen-Anne's County,

Mr. Robert Lloyd,
Col. Edward Tilghman,
Mr. John Bracco,
Mr. Emory Sudler.

L. H. J.
Liber No. 49
Feb. 13

For Somerset County,	For Worcester County,
Mr. Samuel Wilson.	Col. John Henry.
For Talbot County,	For Frederick County,
Mr. John Goldsborough, Mr. Matthew Tilghman.	Mr. Edward Dorsey.

A sufficient Number of Delegates to compose a Lower House of Assembly, being convened at the Stadt-House; Ordered, That Col. John Henry and Mr. Plater do acquaint his Excellency the Governor therewith: They return and acquaint Mr. Speaker, that they delivered the Message.

Col. Hammond, and Samuel Chamberlaine, Esq; from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of the Members of the Lower House of Assembly immediately in the Upper House.

Mr. Speaker left the Chair, and (with the other Members of the Lower House) went to the Upper House; where the Governor made a Speech; a Copy of which he delivered to Mr. Speaker in Writing, and also a Copy of a Letter from the Earl of Loudoun, which was directed to the Governor.

Mr. Speaker (with the other Members) Returned to the Lower House, and Re-assumed the Chair.

Ordered, That his Excellency the Governor's Speech be read by the Clerk; which was accordingly contained in the following Words, viz.

Gentlemen of the Upper and Lower Houses of Assembly, p. 237

[This Speech Printed in full in Upper House Journal p. 411]

Ordered, That the Governor's Speech do lie on the Table.

Ordered, That the Earl of Loudoun's Letter be read by the Clerk; which was accordingly contained in the following Words, viz.

New-York, December 30,th 1757.

Sir,

I had this Day the Favour of your Letter by Express, with the Bill prepared by the Lower House, and the Address, from both Houses to you.

As I had seen an Extract of the military Part of that Bill before, I am ready to give my Sentiments on it; and am clearly of Opinion, that had it passed into a Law of the Province, it would have been a direct Infringement of the King's undoubted Prerogative, and as such was very wisely rejected by the Upper House; at the same Time I am willing to believe, that the Assembly had not considered

L. H. J. Liber No. 49 Feb. 13 it in that Light, or they would never have framed it in that Manner, nor had they considered that Right of the King of commanding his Subjects in Arms, which is a Right undisputed every where, or they would never have disputed the Power of his Commission, to have marched the Troops, raised by them for the Defence of his Dominions, even out your Province, which I do not understand I have done with Regard to them, which was to Fort Cumberland, from the best Accounts I have been able to procure; but that does not come to be the Question; for if they will consider what has happened in almost all the other Provinces, they will find, they are single in the Opinion of the King's Power of Marching the Provincial Troops into other Provinces.

At the Meeting at Philadelphia, it was settled last Spring, that South Carolina was in Danger of a more powerful Invasion from the Enemy than they were able alone to resist, therefore it was agreed, that it was necessary they should have an additional Force sent to their Assistance, composed partly of Regular Troops, and partly of Troops raised by the other Provinces, and 200 Men did accordingly sail from Virginia, and are now with them; and the Troops from North-Carolina were in Readiness to go, but were
p. 238 prevented by Letters from the Commanding Officer there, on the Arrival of a Regiment of 1000 Men from Europe, so that they did not then stand in Need of them; there is an Instance in Point in the very next Province, who were likewise to have made up their Quota of Troops to 400 Men, if they were found Necessary, for that Service in South-Carolina.

But further to illustrate this Point, let them reflect, that the Provincial Troops in the more Northern Provinces, that is, those of New Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, and the Jerseys, have for three Years last past been serving in the Province of New-York: There was an Attempt about 18 Months ago to have restrained Part of those Troops within certain Bounds, to serve particular Purposes, although they never thought of carrying that Point so far as to restrain them within their own Province, and the Moment that Intention appeared, the Ministry immediately interposed, and no such Measures have been attempted since.

Although the Prerogative is undisputed every where, I have thought it necessary to mention these few Instances in their Neighbourhood, to shew them the Singularity both of their Opinion and Proceedings; the Consequence of which I foresaw, and mentioned in a former Letter, and warned them of in the Letter I had the
p. 239 Honour to write you of the Effects such a Measure would have, not only to throw open the Frontiers of their own Province, but to open a Door to the Enemy in the very Heart of his Majesty's Dominions in North-America: As this is the fair State of the Affair, I cannot

L. H. J. Liber No. 49 Feb. 13

Doubt that those Gentlemen, on considering coolly on the Affair, will, from their Care for the Preservation of the Lives and Properties of their Fellow-Subjects, from their Zeal for the Common Cause of all North-America, and their Duty to the King, propose such an Act as is not only agreeable to the Instructions, but agreeable to our happy Constitution of Government in the British Dominions, without attempting to make Alterations in it, at a Time when the Enemy are taking every Advantage that can be drawn from any little Jars that may happen in any of the Provinces of his Majesty's extensive Dominions on this Continent, which are therefore Things every Man, who is a real Lover of his Country, will to the utmost avoid.

As to the Dispute of what Province Fort Cumberland belongs to, 'tis a Thing I never heard disputed, but by all Men I have met with, was deemed to be in Maryland; but be that as it will, 'tis of no Consequence, nor has it any Thing to do in this Affair, nor had I the least Intention of loading Maryland, or easing any other Province, by sending the Provincial Troops of Maryland to it; and in my Orders at that Time, I shewed the greatest Attention to Maryland, in employing the Whole of the Troops raised by them in covering their Frontiers, and securing the Inlets into their Country, when I actually sent 200 of the Provincials of Virginia by Sea, at the Expence of that Province, to South-Carolina, and had 200 more of the Virginia Provincial Troops ready to be carried there, if that Service had not been provided for by the Arrival of a Regiment of 1000 Men from Europe.

I have shewed you above, that the King has the undisputed Right, that he has by his Commission put the Execution of it into my Hands, that Maryland alone have disputed the King's Right of Commanding his Subjects in Arms, although his Majesty's Servant in the Execution of that Trust, has had a particular Regard to the Ease and Security of the Province of Maryland. When I know Things really to stand on this Footing and can have no Doubt that the Gentlemen that compose the Assembly of Maryland, mean, not only to protect the Province of Maryland, but to give every Aid to the Common Cause in their Power, I can have no Doubt that on a cool Reflection of the general Situation of the Affairs of this Country, the Duty they owe to the King and the Community (whatever Representations may have led them into the present Bill) they will immediately set those Things on a true Constitutional Footing, and enter heartily into the Common Cause, for the Security of Maryland, and to give their utmost Assistance against the common Enemy. I intended when I writ from Albany to have come directly to Annapolis, but some unexpected Business put it out of my Power at that Time, and now I cannot fix the Time I shall be with you. p. 240

L. H. J. Liber No. 49 Feb. 13

Hoping from your wise Management, and the People coming to see their own true Interest, that I shall very soon have better Accounts from you: I am, with sincere Regard, Sir,

Your most obedient humble Servant,

His Excellency Governor Sharpe. Loudoun.

Ordered, That the Earl of Loudoun's Letter do lie on the Table.

Mr. John Reeder, a Delegate Elected at the last General Election for Saint Mary's County, appeared in the House:

Ordered, That Mr. Plater and Mr. Sothoron do go with him to the Upper House, to see him Qualified. They return and acquaint Mr. Speaker, They saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House:

Mr. Key, on his Motion, hath Leave to be absent until Saturday Morning.

Resolved, That the Rules ordered to be observed by the several Members of this House last Session, be observed as such during this Session.

Resolved, That the Hours of Sitting this Session, for the Dispatch of Public Business, be from Nine of the Clock in the Morning until One, and from Two of the Clock Afternoon until Five.

Ordered, That Mr. Goldsborough do acquaint the Reverend Mr. Clement Brooke, That he is requested to Read Divine Service at Three Quarters of an Hour past Eight of the Clock in the Morning, and at Five of the Clock in the Afternoon, during this Session.

On Motion, Ordered, That the Governor's Speech be again Read; which was accordingly.

On Reading the Governor's Speech, Ordered, That Mr. Edward Dorsey, Col. Edward Tilghman, Mr. Matthew Tilghman, and Mr. Carroll, do prepare an Address to his Excellency, in Answer thereto.

The House adjourns till the Morrow Morning at 9 of the Clock.

Feb. 14

Tuesday, February 14, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Key. The Proceedings were Read.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor: which was Read, Approved, and Ordered to be Ingrossed.

The House continued the several Gentlemen who were on the Committee of Elections and Privileges last Session, on the said Committee for this Session.

L. H. J.
Liber No. 49
Feb. 14

The House continued the several Gentlemen who were on the Committee of Grievances and Courts of Justice last Session, on the said Committee for this Session.

The House continued Mr. Murdock, Mr. Goldsborough, Mr. Lloyd, Mr. Govane, and Col. Cresap, on the Committee of Accounts; and ordered that Major Hynson be added to the said Committee for this Session.

The House continued Mr. James John Mackall, Major Hyland, Mr. Benjamin Mackall, Mr. Fraser, Mr. Lee, and Col. Cresap, a Committee to Inspect the Arms and Ammunition, and Accounts relating thereto; and ordered that Capt. Sudler and Mr. Dent be added to the said Committee for this Session.

The House continued Mr. Dulany, Mr. Earle, Col. Henry, Mr. Lloyd, Mr. Bracco, Mr. Williamson, Mr. Matthew Tilghman, and Mr. Worthington, on the Committee to Inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly; and ordered that Mr. Hanson be added to the said Committee.

The House continued Col. Tilghman, Mr. Matthew Tilghman, Mr. Lloyd, Mr. Carroll, Mr. Murdock, Mr. Hammond, and Mr. Dorsey, a Committee to Inspect into the several Public Offices.

The House appointed Mr. Bracco, Mr. Earle, Col. Cresap, Mr. Plater, Mr. Hanson, Mr. Sothoron, Mr. Wilson, and Mr. John Hammond Dorsey, a Committee to Inspect the Accounts of the Agents appointed by the several Acts of Assembly for Raising Money for his Majesty's Service.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq: Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We, his Majesty's most dutiful and loyal Subjects, the Delegates of the Freemen of Maryland, in General Assembly convened, return your Excellency our Thanks for your Speech at the Opening of this Session.

The Opportunity you are at this Time pleased to afford us, of again exerting our Endeavours for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, is most agreeable to us.

We shall immediately take into our Consideration, the Copy of the Earl of Loudoun's Letter, laid before us by your Excellency, and hope, that our Resolutions and Proceedings, will manifest our Care for the Preservation of the Lives, Liberties and Properties of our

L. H. J. Liber No. 49 Feb. 14 Fellow-Subjects, our Zeal for the Common Cause, and Duty to our most Gracious Sovereign.

p. 241 Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Goldsborough and Mr. King, do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address in a Quarter of an Hour's Time in the Conference Chamber.

Ordered, That Alexander Williamson, Esq: with Five more, do present the Address.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Chapline and Mr. Beatty appeared in the House.

The following Message:

By the Lower House of Assembly, February 14, 1758.

May it please your Honours,

This House hath appointed Mr. Dulany, Mr. Earle, Col. Henry, Mr. Lloyd, Mr. Bracco, Mr. Williamson, Mr. Matthew Tilghman, Mr. Worthington, and Mr. Hanson, a Committee from this House, to Inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly; and desire your Honours to appoint one or more of the Members of your House, to join in the said Committee.

Signed ꝑ Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House by Mr. Lloyd and Mr. Hanson.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.

By the Upper House of Assembly, Friday 14th, 1758.

Gentlemen,

This House hath appointed Samuel Chamberlaine, Esq; to join the Members named by your House in a Committee to Inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office.

Signed ꝑ Order, J. Ross, Cl. Up. Ho.

On Motion, the House took into Consideration his Excellency the Governor's Speech, made at the Opening of this Session, together with the Copy of the Earl of Loudoun's Letter, Referred to in the said Speech.

In Consequence of the said Motion, the several Letters from his Majesty's principal Secretaries of State, relative to his Majesty's

Instructions to the several Governors in America, and the Letters from the Earl of Loudoun to his Excellency the Governor of this Province, were Read. L. H. J. Liber No. 49 Feb. 14

On Motion, Ordered, That the further Consideration of the Governor's Speech, and the Earl of Loudoun's Letter, be Referred to the Morrow Morning.

The House adjourns till the Morrow Morning at 9 of the Clock.

Wednesday, February 15, 1758. Feb. 15

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Harris appeared in the House.

The Order of the Day being Read; the House took again into Consideration the Governor's Speech, together with the Earl of Loudoun's Letter; and Resolved, That an Address be prepared to his Excellency the Governor, requesting him to explain to this House his Opinion of the following Expression, viz. (Propose such an Act as is not only agreeable to the Instructions, but agreeable to our happy Constitution of Government in the British Dominions); which is mentioned in his Lordship's said Letter;

Ordered, That Mr. Edward Dorsey, Col. Tilghman, and Mr. Carroll, do prepare and bring in such Address. p. 242

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to the Governor; which was Read, Approved, and Ordered to be Ingrossed.

Col. Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

Having now under our Consideration the Earl of Loudoun's Letter, laid before us by your Excellency, as we cannot recollect any Instructions relative to the Framing of Bills, that have ever been laid before the Lower House of Assembly, we are somewhat at a Loss to know his Lordship's Meaning by the following Expression " Propose such an Act as is not only agreeable to the Instructions, but agreeable to our happy Constitution of Government in the British Dominions " and as we presume Something may have passed between his Lordship and your Excellency, that may enable you to explain that Expression, we humbly request your Excellency will be pleased to give us all the Information you are able relative thereto.

L. H. J. Liber No. 49 Feb. 15 Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Carroll and Mr. Gray do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address immediately in the Conference Chamber.

Ordered, That Col. Tilghman, with Three more, do present the Address.

Mr. Murdock brings in and delivers to Mr. Speaker, Books of Accounts relating to the Transactions of the Agents appointed by the Acts of Assembly for raising Supplies for his Majesty's Service, made in May and October Sessions 1756, and in April Session 1757; which were ordered to lie on the Table.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

By a Letter that one of his Majesty's Principal Secretaries of State, was pleased to send me the 13th of March, 1756, and which was laid before the late Lower House of Assembly, it was signified to be his Majesty's Pleasure, that the Funds which might be raised in this Province for the Public Service, should be issued and applied to the General Service, in such Manner as the Commander in Chief should direct; perhaps the Earl of Loudoun alludes to this Letter by the Word Instructions used in that which is now under your Consideration; or, perhaps he alludes to the Instructions that were sent by the Ministry to the Governors of the Northern Colonies, upon their attempting to restrain the Service of some of the Troops, which were raised in those Colonies: I can only say farther, in Answer to your Address, that I have never used the Word Instructions in any Letter that I have writ to the Earl of Loudoun, neither has any Thing passed between his Lordship and me, that enables me to explain that Expression better than you may yourselves do.

Hor.° Sharpe.

p. 243 15th February, 1758.

Which was Read, and Ordered to lie on the Table.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

I think proper to inform you, that the Cherokees who were at Fort Frederick the First of December, have continued ever since

L. H. J. Liber No. 49 Feb. 15

that Time in the Service of this Province: They went to annoy the Enemy on the Ohio, and Part of them are again gone towards Fort Duquesne with the same Design; when these return to Fort Frederick, they will, I understand, expect some Reward, even though they should be unsuccessful, and if they should be disappointed in such their reasonable Expectations, they will, I am afraid, go home much dissatisfied, and carry such an Account to their Towns as might have a very bad Effect, and lessen the Regard which those People have lately shewn for his Majesty's Subjects in general, and in particular for the Inhabitants of Maryland. Induced by such Apprehensions, I recommend it to you to appropriate a Sum of Money for the Use of these Indians, that his Majesty's Superintendant of Indian Affairs in this Part of America, might have it in his power to make them such Satisfaction for their Services, since they came to this Province, as he might have made them if they had continued so long in the Service of the Dominion of Virginia.

Hor.° Sharpe.

15th February, 1758.

Which was Read, and Ordered to lie on the Table.

The House again took into Consideration the Governor's Speech, together with the Earl of Loudoun's Letter, and Resolved, That the same be further considered on the Morrow Morning.

The House adjourns till the Morrow Morning at 9 of the Clock.

Thursday, February 16, 1758.

Feb. 16

The House met according to Adjournment: The Members were called, and all present as Yesterday. The Proceedings were Read.

Mr. Stoddert appeared in the House.

Mr. Mackall, on acquainting the House, that one of his Family is sick, hath Leave of Absence for that Cause.

The Order of the Day being Read; the House resumed the Consideration of the Governor's Speech, together with the Earl of Loudoun's Letter, and Resolved itself into a Committee of the whole House, to consider further thereon.

Mr. Speaker left the Chair.

Mr. Speaker Re-assumed the Chair.

Mr. Lloyd, Chairman from the Committee of the whole House, Reported to Mr. Speaker, That that Committee had proceeded to take into Consideration the Matter Referred to the said Committee; but for want of Time, could not come to a final Determination thereon; therefore craves the Leave of the House to sit again, to proceed further on the said Matter.

L. H. J. Liber No. 49 Feb. 16 Resolved, That this House will (Afternoon) Resolve itself into a Committee of the whole House, to take into further Consideration his Excellency the Governor's Speech, together with the Earl of Loudoun's Letter.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

I am glad to find by your Address, that you are pleased with my having again put it in your Power, to provide for the Support of the Troops that have been raised here for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants; and I entertain the most sanguine Hopes, that your Resolutions and Proceedings at this Time, will manifest your Duty to our most Gracious Sovereign, and Zeal for the Common Cause.

Hor.° Sharpe.

p. 244 The House adjourns till 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment: All the Members appeared as in the Morning, except Mr. James John Mackall.

Col. Cresap appeared in the House.

The Order of the Day being Read; the House Resolved itself into a Committee of the whole House, to take into further Consideration his Excellency the Governor's Speech, together with the Earl of Loudoun's Letter.

Mr. Speaker left the Chair.

Mr. Speaker Re-assumed the Chair.

Mr. Lloyd, Chairman from the Committee of the whole House, Reported to Mr. Speaker, That that Committee had further proceeded to take into Consideration the Matter Referred by the House; but for want of Time, could not come to a final Determination thereon; therefore craves the Leave of the House to sit again, to proceed further on the said Matter.

Resolved, That this House will, on the Morrow Morning, Resolve itself into a Committee of the whole House, to take into further Consideration his Excellency the Governor's Speech, together with the Earl of Loudoun's Letter.

The House adjourns till the Morrow Morning at 9 of the Clock.

Feb. 17

Friday, February 17, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday Afternoon. The Proceedings were Read.

Mr. Key appeared in the House. L. H. J. Liber No. 49 Feb. 17

The Order of the Day being Read; the House Resolved itself into a Committee of the whole House, to take into further Consideration his Excellency the Governor's Speech, together with the Earl of Loudoun's Letter.

Mr. Speaker left the Chair.

Mr. Speaker Re-assumed the Chair.

Mr. Lloyd, Chairman from the Committee of the whole House, Reported, That the Committee had proceeded to take into further Consideration the Matter Referred to them; but through Want of Time, could not compleat the same; therefore craves Leave of the House to sit again.

Resolved, That this House will (Afternoon) Resolve itself into a Committee of the whole House, to take into further Consideration his Excellency the Governor's Speech, together with the Earl of Loudoun's Letter.

Daniel Dulany, Esq; from the Upper House, delivers to Mr. Speaker, a Petition of Thomas Clark and George Scott, of Prince-George's County; Indorsed, "By the Upper House of Assembly, 17th February, 1758. Read and Referred to the Consideration of the Lower House of Assembly."

Which Petition was Read here, and Ordered to lie on the Table.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

The Order of the Day being Read; the House Resolved itself into a Committee of the whole House, to take into further Consideration his Excellency the Governor's Speech, together with the Earl of Loudoun's Letter.

Mr. Speaker left the Chair.

Mr. Speaker re-assumed the Chair.

Mr. Lloyd, from the Committee of the whole House, acquainted Mr. Speaker, That that Committee had Resolved that the Number of 300 Men (Officers included) be raised and supported at the Expence of this Province, for his Majesty's Service, and the more immediate Protection of the Frontier Inhabitants thereof, and directed him to Report the same to the House.

On Consideration of the said Report, the House concurs therewith. p. 245

On Motion, Ordered, That an Address be prepared to his Excellency the Governor, in Answer to his Message of the 15th Instant, relative to the Cherokee Indians; and that Mr. Dorsey, Col. Tilghman, and Mr. Carroll, do prepare and bring in such Address.

On Motion, the Question was put, and thereupon Resolved, That the Sum of £20,000 be raised for his Majesty's Service, and the more immediate Protection of the Frontier Inhabitants thereof.

L. H. J.
Liber No. 49
Feb. 17

On Motion, the Question was put, Whether the Sum of £20,000 be raised by an equal Assessment on real and personal Estates within this Province, and on all lucrative Offices and Employments, to be appropriated for a Supply for his Majesty's Service, and the more immediate Protection of the Frontier Inhabitants thereof, or Not? Resolved in the Affirmative.

For the Affirmative,

Reeder,
Sothoron,
Williamson,
Hynson,
Carroll,
Worthington,
Reynolds,
E. Gantt,
Hanson,
Lee,
Dent,
Stoddert,
Wilson,
M. Tilghman,
Gray
Govane,
Cockey Deye,
Owings,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Chapline,
E. Dorsey,
Beatty,
Cresap.
31

For the Negative,

Goldsborough,
Dulany,
Henry,
Harris.
4

On Motion, Resolved, That a Bill be prepared and brought in, for raising the Sum of £20,000 by an equal Assessment on real and personal Estates within this Province, and on all lucrative Offices and Employments, to be appropriated for a Supply for his Majesty's Service, and the more immediate Protection of the Frontier Inhabitants thereof;

Ordered, That Col. Tilghman, Mr. Dorsey, Mr. Lloyd, Mr. Murdock, Mr. Matthew Tilghman, Mr. Carroll, and Mr. Wilson, do prepare and bring in a Bill accordingly.

On Motion, Resolved, That Provision be made by the said Bill for paying the Charges of Quartering his Majesty's Forces within this Province.

On Motion, Leave given, to bring in a Bill for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, and the Provincial and County Magistrates;

Ordered, That Mr. Bracco, Mr. Matthew Tilghman, Mr. Williamson, Mr. Murdock, Mr. Lloyd, Mr. Dulany, and Mr. Hanson, do prepare and bring in such Bill.

On Motion, Leave given, to bring in a Bill for securing the Estates of Purchasers, claiming by or from Aliens;

Ordered, That Mr. Dorsey and Mr. Carroll do prepare and bring in such Bill. L. H. J. Liber No. 49 Feb. 17

On Motion, That an Address be prepared to his Excellency the Governor, in Answer to his Message of the 16th of December, 1757;

Ordered, That Mr. Murdock, Mr. Dorsey, Col. Tilghman, Mr. Matthew Tilghman, and Mr. Carroll, do prepare and bring in such Address.

Mr. Lee, on his Motion, hath Leave of Absence, upon urgent Business, till Friday next.

Mr. Reynolds, on his Motion, hath Leave of Absence, upon urgent Business, till Monday next.

The House adjourns till the Morrow Morning at 9 of the Clock.

Saturday, February 18, 1758. Feb. 18

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. King. The Proceedings were Read.

Mr. Lloyd, on Motion that urgent Business requires his Absence, hath Leave till next Wednesday.

Mr. Bracco and Mr. Edward Gantt have Leave of Absence till Monday Afternoon.

On Motion, Leave given to bring in a Supplementary Bill to the Act for Raising £40,000 for his Majesty's Service, &c. p. 246

Ordered, That Col. Henry, Mr. Bracco, Mr. Govane, and Mr. Wilson, do prepare and bring in a Bill accordingly.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We shall appropriate such a Sum of Money, for the Use of the Cherokees that were at Fort Frederick the first of December, and have continued, as your Excellency is pleased to inform us, ever since that Time in the Service of this Province, as we hope may be entirely satisfactory to them, and increase what Regard they may have for his Majesty's Subjects in general, and in particular those of the Province of Maryland.

L. H. J. Liber No. 49 Feb. 18

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Plater and Mr. Wilson do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address in a Quarter of an Hour's Time in the Conference Chamber.

Ordered, That Alexander Williamson, Esq; with Three more, do present the Address.

On Motion, Leave given to bring in a Bill, To enable the present Inspector of St. Mary's Warehouse, in St. Mary's County, to sell some Transfer Tobacco in the said Warehouse;

Ordered, That Mr. Key and Mr. Wilson do prepare and bring in a Bill accordingly.

A Petition of John Burch, of St. Mary's County, preferred to this House, complaining against John Fendall, Sheriff of Charles County, for some undue Practices exercised by him the said Sheriff, in the Execution of his Office, against the said Petitioner, was Read and Referred to the Committee of Grievances and Courts of Justice.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

The House adjourns till Monday Morning at 9 of the Clock.

Feb. 20 p. 247

Monday, February 20, 1758.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Lee, Mr. Stoddert, Mr. Robert Lloyd, and Mr. Reynolds. The Proceedings were Read.

Capt. Gassaway appeared in the House.

The House adjourns till 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Sulivane and Mr. Ward appeared in the House.

Mr. Key brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to enable the present Inspector of St. Mary's Warehouse, in St. Mary's County, to sell some Transfer Tobacco in the said Warehouse; and for other Purposes therein mentioned; which was Read the first Time, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 9 of the Clock.

Feb. 21

Tuesday, February 21, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Edward Dorsey brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Security of Purchasers and Others, claiming by or from Aliens; which was Read the first Time, and Ordered to lie on the Table. L. H. J. Liber No. 49 Feb. 21

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Philip Hammond, Esq; appeared in the House.

The House adjourns till the Morrow Morning at 9 of the Clock.

Wednesday, February 22, 1758. Feb. 22

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. King appeared in the House.

Philip Hammond, Esq; on Motion that Sickness prevents his constant Attendance, hath Leave of Absence till Monday.

On Motion, Ordered, That the Clerk of this House do write to the Sheriffs of Kent and Cæcil Counties, directing them to set up Advertisements at the most public Places within their respective Counties, thereby to acquaint all Persons that have any Claims against the Public, for Quarters, Provisions and Necessaries, furnished to his Majesty's Forces, ordered for Winter-Quarters within this Province, to lodge their Claims with the Committee of Accounts on or before the first Day of March next, that such Accounts may be examined and allowed as shall appear just; and that the Committee of Accounts do direct their Clerk to fix up Notes at the most public Places in the City of Annapolis, to acquaint all Persons to bring in their Claims for Quarters and Necessaries furnished to his Majesty's Forces, ordered here for Winter-Quarters, and to lodge them with the said Committee on or before the Day aforesaid, that they may be examined and allowed in like Manner.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment: All appeared except Philip Hammond, Esq;

Mr. Tilden and Mr. Lecompte appeared in the House.

On Motion, a Militia Law made in the Year 1715, and printed in the Book of Laws in Folio 101, was Read and Considered.

On Motion, Resolved, That an Address be prepared to his Excellency the Governor, requesting that he will be pleased to acquaint this House what has given Occasion for ordering the March of a Company of the Militia from Queen-Anne's County, and of another from Kent County, to the Western Frontier of this Province, and by Virtue of what Law they were compelled to go on that Service; and that his Excellency will lay before this House all Orders that p. 248

L. H. J.
Liber No. 49
Feb. 22

have been issued by his Directions, relative to the marching and providing Subsistence for the said Militia:

Ordered, That Mr. Edward Dorsey, Col. Tilghman, Mr. Matthew Tilghman, Mr. Carroll, and Mr. Williamson, do prepare and bring in an Address accordingly.

On Motion, the Question was put, That a Remonstrance be prepared to the Governor, on the March of a Company of Militia lately from Queen-Anne's County, and another from Kent County, to the Western Frontier of this Province. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Sothoron,
Williamson,
Hynson,
Tilden,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Hanson,
Dent,
Wilson,
Goldsborough,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Ward,
Woodward,
Fraser,
T. Gantt,
King,
E. Tilghman,
Bracco,
Sudler,
Harris,
E. Dorsey,
Beatty,
Cresap.
32

For the Negative,

Plater,
Key,
Dulany,
Gray,
Henry.
[5]

Ordered, That Mr. E. Dorsey, Col. Tilghman, Mr. Matthew Tilghman, Mr. Carroll, and Mr. Williamson, do prepare and bring in a Remonstrance accordingly.

Mr. Sudler, on Motion that urgent Business requires his Absence, hath Leave till Monday.

The House adjourns till the Morrow Morning at 9 of the Clock.

Feb. 23

Thursday, February 23, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday Afternoon. The Proceedings were Read.

Mr. Lloyd appeared in the House.

Alexander Williamson, Esq; brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and ordered to be Ingrossed.

On Motion, That an Enquiry be made what Laws will Expire with the Close of this Session, if not continued by Acts;

L. H. J.
Liber No. 49
Feb. 23

Ordered, That Mr. Key, Mr. Wilson, Col. Henry, and Mr. Reeder, be a Committee for that Purpose; and that they make Report thereof to the House.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

p. 249

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

The great Disquiet to the People, which has been caused by a March of a Company of Militia from Queen-Anne's County, which we are informed is now stationed on the Western Frontier of this Province, and of another from Kent County, which we hear are on their Way thither, renders it our indispensible Duty to request, that your Excellency will be pleased to let us know what has given Occasion to order the March of those Companies of Militia, and by Virtue of what Law they were compelled to go on a Service so excessively disagreeable and prejudicial to them; and that your Excellency will be pleased to lay before this House, all Orders that have been from Time to Time issued by your Excellency's Directions, relative to the Marching and providing Subsistence for the said Militia.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Thomas Gantt and Mr. Owings do acquaint his Excellency, that this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, that the Governor signified he would receive the Address in a Quarter of an Hour's Time in the Conference Chamber.

Ordered, That Mr. Ward, and Five more, do present the Address.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Rasin appeared in the House.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

I am sorry I was laid under the Necessity of doing a Thing, which, by your Account, has caused great Disquiet to some of the People of this Province; but as I had good Reason to apprehend, that the Soldiers which had been raised for the more immediate Defence of

L. H. J. Liber No. 49 Feb. 23 our Frontier Inhabitants, would disband themselves, when they found that the Assembly had broke up without making any farther Provision for their Support, I thought it my indispensible Duty to order Two Companies of Militia to the Frontiers, lest the People that are settled there, being left without any Hopes of Assistance or Protection, should desert their Plantations, or fall an easy Prey to the Enemy. By Virtue of the same Law, that obliged the Detachments of Militia to march, that I ordered to the Frontiers, at the Desire of the late Lower House of Assembly, the 30th of September, 1756, any of the Men that have now marched, would doubtless have been punished, if they had refused to do so.

I cannot, Gentlemen, lay before you all the Orders that have been issued by my Direction, relative to the Marching and providing Subsistence for the Militia abovementioned, as the Originals are in the Hands of the Gentlemen to whom they were directed, and I have not Copies of them by me; but inclosed you have some Orders and a Press-Warrant, which are similar to those that have been issued, and which I propose to send to Captain Brome, and the Press-Masters of Calvert County, whenever I find myself under a Necessity of ordering another Company of Militia to march to the Assistance of the Frontier Inhabitants.

Hor.° Sharpe.

23d February, 1758.

p. 250 Which was Read, and Ordered to lie on the Table.

On Motion, That a Militia-Law made in March, 1732, be now Read; also the Governor's Message to the Lower House dated 26th September, 1756; his Excellency's Orders to the Colonels of Prince-George's and Baltimore Counties, with their Answers thereto; also his Excellency's Message of the 29th of September, 1756, to the Lower House of Assembly; and the Address of the Lower House of the 30th of September, 1756, in Answer thereto; the same accordingly were severally Read and Considered.

The House adjourns till the Morrow Morning at 9 of the Clock.

Feb. 24

Friday, February 24, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Reeder and Mr. Sudler. The Proceedings were Read.

Mr. Reeder's Family being very sick, he is excused from Attendance.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Richard Lee, and Benedict Calvert, Esquires, from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of the Lower House immediately in the Upper House. L. H. J. Liber No. 49 Feb. 24

Mr. Speaker left the Chair, and (with the other Members of the Lower House) went to the Upper House; where his Excellency made a Speech to both Houses of Assembly; a Copy of which he delivered to Mr. Speaker.

Mr. Speaker (with the other Members) returned to the Lower House, and re-assumed the Chair.

Ordered, That his Excellency's Speech be Read by the Clerk; which is as follows:

Gentlemen of the Upper and Lower Houses of Assembly,

[Speech printed in full in Upper House Journal pp. 416-417]

His Excellency the Governor communicated to Mr. Speaker a Copy of the Earl of Loudoun's Letter. p. 251

Ordered, That the Copy of the Earl of Loudoun's Letter to the Governor be Read; which is as follows, viz.

[This letter printed in full in the Upper House Journal pp. 417-418]

On Reading his Excellency the Governor's Speech, and the Earl of Loudoun's Letter, Resolved, That this House will, on the Morrow Morning, take into Consideration the Governor's Speech, together with the Earl of Loudoun's Letter. p. 252

The House adjourns till the Morrow Morning at 9 of the Clock.

Saturday, February 25, 1758. Feb. 25

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Consideration of his Excellency's Speech of Yesterday, Resolved, That an Address be prepared to his Excellency, in Answer thereto.

Ordered, That Col. Tilghman do prepare and bring in an Address accordingly.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Edward Dorsey brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Granting a Supply of   for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting   thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments.

L. H. J. Liber No. 49 Feb. 25 On Motion, Resolved, That 400 Men (Officers included) be forthwith raised for his Majesty's Service, to act in Conjunction with his Majesty's Regular Forces.

On Motion, Resolved, That the Sum of £10,000 be raised for a Supply for his Majesty's Service, in Raising and Paying 400 Men (Officers included).

Ordered, That the Bill, entituled, An Act for Granting a Supply of for his Majesty's Service, &c. be withdrawn, and a Clause therein inserted, to make Provision for Raising and Supporting 400 Men (Officers included) to act in Conjunction with his Majesty's Regular Forces.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

p. 253 May it please your Excellency,

It affords us the greatest Pleasure to be informed by the Copy of a Letter from the Earl of Loudoun, laid before both Houses by your Excellency Yesterday Evening, that his Lordship is determined to pursue vigorous and offensive Measures this Spring against the Enemy, that has lately so much annoyed these Colonies.

We shall immediately take under our most serious Consideration, the Matters contained in his Lordship's Letter, and come to the most speedy Resolutions, which the Nature and Importance of the Subject will admit; and we hope, our final Determinations thereupon, will fully convince the World, how gladly we embrace the fair Opportunity now offered us, of shewing that we are determined to be in the Number of those of his Majesty's dutiful and loyal Subjects, who are most zealous to promote his Service, and to provide effectually for the future, as well as present, Security of our Country.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, that Col. Henry and Mr. Govane do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address immediately in the Conference Chamber.

Ordered, That Mr. Gray, with Five more, do present the Address.

Mr. Rasin, on his Motion, That urgent Business requires his Absence, hath Leave to go home.

The House adjourns till Monday Morning at 9 of the Clock.

Monday, February 27, 1758.

L. H. J.
Liber No. 49
Feb. 27

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Rasin. The Proceedings were Read.

On Motion, The Bill entituled, An Act to enable the present Inspector of Saint Mary's Warehouse, in Saint Mary's County, &c. was committed for Amendments.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c. p. 254

Mr. Sudler appeared in the House.

Mr. Edward Dorsey brings in, and delivers to Mr. Speaker, a Bill, entituled, An Act for Granting a Supply of for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and Emitting thereof in Bills of Credit, and Raising a Fund for sinking and replacing the Whole, by an equal Assessment, on all Estates real and personal, and lucrative Offices and Employments;

Which was Read the first Time, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 9 of the Clock.

Tuesday, February 28, 1758.

Feb. 28

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On a second Reading of the Bill, entituled, An Act for Granting a Supply of for his Majesty's Service, &c. The Question was put, That the Office Bond heretofore given by the Clerk of the Paper Currency Office, shall be liable for any Breach of Duty committed by the said Clerk under the said Bill. Resolved in the Affirmative.

For the Affirmative,

Williamson,
Hynson,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Goldsborough,
M. Tilghman,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Sudler,
Chapline,
E. Dorsey,
Cresap. 27

L. H. J.
Liber No. 49
Feb. 28

For the Negative,

Plater,
Sothoron,
Key,
Tilden,
Hanson,
Dent,
Waggaman,
Wilson,
Dulany,
Bracco,
Henry,
Harris,
Beatty.
13

On Motion, the Question was put, That 200 Men, Officers included, Part of the 300 Men mentioned in the said Bill, be stationed at Fort Frederick, to act as Rangers, agreeable to the Directions of the Act of Assembly, passed in September Session, 1756, entituled, An Act p. 255 for his Majesty's Service, and further Defence and Security of this Province. Resolved in the Negative.

For the Affirmative,

Tilden,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Waggaman,
Goldsborough,
M. Tilghman,
Cockey Deye,
Fraser,
Lloyd,
E. Tilghman,
Harris,
Chapline,
E. Dorsey.
15

For the Negative,

Plater,
Sothoron,
Key,
Williamson,
Hynson,
Hanson,
Dent,
Wilson,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Owings,
Ward,
Dulany,
Woodward,
Murdock,
T. Gantt,
King,
Bracco,
Sudler,
Henry,
Beatty,
Cresap.
25

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Philip Hammond, Esq; appeared in the House.

On Progression in Reading the second Time the Bill, For Granting a Supply of   for his Majesty's Services, &c. The Question was put, That the Words Quartered or Billetted be left out of the said Bill. Resolved in the Negative.

For the Affirmative,

Plater,
Sothoron,
Key,
Tilden,
Waggaman,
Wilson,
Murdock,
Bracco.
[8]

L. H. J.
Liber No. 49
Feb. 28

For the Negative,

Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Hanson,
Dent,
Goldsborough,
M. Tilghman,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Ward,
Woodward,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Sudler,
Henry,
Harris,
E. Dorsey,
Beatty,
Cresap.

[31]

On Motion, the Question was put, That Mr. James Dick be appointed one of the Agents by the said Bill. Resolved in the Affirmative.

For the Affirmative,

Plater,
Sothoron,
Key,
Williamson,
Hynson,
Tilden,
Gassaway,
Worthington,
E. Gantt,
Waggaman,
Wilson,
Goldsborough,
M. Tilghman,
Gray,
Govane,
Ward,
Dulany,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
Bracco,
Hanson,
Dent,
Sudler,
Henry,
Harris,
E. Dorsey,
Cresap.

31

For the Negative,

Hammond,
Carroll,
Sulivane,
Lecompte,
J. H. Dorsey,
Cockey Deye,
Owings,
E. Tilghman,
Chapline,
Beatty.

10

The House adjourns till the Morrow Morning at 9 of the Clock.

Wednesday, March 1, 1758.

Mar. 1
p. 256

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. James John Mackall appeared in the House.

On Progression in Reading the second Time the Bill, entituled, An Act for Granting a Supply of £30,000 &c. the Question was put,

L. H. J. Liber No. 49 Mar. 1

Whether £2000 or £1000 be appropriated to Cultivate the Friendship and Engage the Assistance of the Southern Tribes of Indians. Resolved, That the Sum of £2000 be appropriated.

For Two Thousand Pounds,

Plater,
Sothoron,
Key,
Williamson,
Hynson,
Tilden,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
Waggaman,
Wilson,
Goldsborough,
Gray,
Sulivane,
Govane,
J. H. Dorsey,
Owings,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
Lloyd,
E. Tilghman,
Sudler,
Henry,
Chapline,
Beatty,
Cresap. [30]

For One Thousand Pounds,

Hammond,
Gassaway,
Carroll,
Dent,
M. Tilghman,
Lecompte,
Cockey Deye,
King,
Bracco,
E. Dorsey. [10]

On Motion, the Question was put, That the Sum of 1s. 6d. in the Pound, upon the annual Value of Estates, be raised by the said Bill. Resolved in the Affirmative.

For the Affirmative,

Key,
Williamson,
Hynson,
Worthington,
J. J. Mackall,
E. Gantt,
Waggaman,
Wilson,
Govane,
J. H. Dorsey,
Cockey Deye,
Ward,
Dulany,
Woodward,
T. Gantt,
Lloyd,
E. Tilghman,
Bracco,
Henry,
Harris,
Chapline,
E. Dorsey,
Beatty,
Cresap. [24]

For the Negative,

Plater,
Sothoron,
Tilden,
Hammond,
Gassaway,
Carroll,
Hanson,
Dent,
Goldsborough,
M. Tilghman,
Gray,
Sulivane,
Lecompte,
Owings,
Murdock,
Fraser,
King,
Sudler. [18]

L. H. J.
Liber No. 49
Mar. 1

On Motion, the Question was put, That Houshold Goods (Plate excepted) and Implements of Husbandry, and Tools of Occupation, be excepted out of the Tax, under the Bill for his Majesty's Service. Resolved in the Affirmative.

For the Affirmative,

Plater,
Williamson,
Hynson,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Wilson,
Goldsborough,
M. Tilghman,
Owings,
Dulany,
Woodward,
Murdock,
Fraser,
T. Gantt,
Lloyd,
E. Tilghman,
Sudler,
Henry,
Harris,
Chapline,
E. Dorsey,
Beatty,
Cresap.
[25]

For the Negative,

Sothoron,
Key,
Tilden,
Hammond,
J. J. Mackall,
Hanson,
Dent,
Waggaman,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Ward,
King,
Bracco.
17

p. 257

On Motion, the Question was put, That all Lawyers be Taxed upon the annual Profits of their Professions, the Sum of £7. 10s. ꝑ Cent. Resolved in the Affirmative.

For the Affirmative,

Plater,
Sothoron,
Key,
Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
Hanson,
Dent,
Waggaman,
Wilson,
Goldsborough,
M. Tilghman,
Gray,
Govane,
Cockey Deye,
Ward,
Bracco,
Sudler,
Henry,
Harris.
22

For the Negative,

Williamson,
Hynson,
J. J. Mackall,
E. Gantt,
Sulivane,
Lecompte,
J. H. Dorsey,
Owings,
Dulany,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Chapline,
E. Dorsey,
Beatty,
Cresap.
20

L. H. J. Liber No. 49 Mar. 1

On Motion, the Question was put, That Factors be Taxed in the same Manner with Officers and Lawyers. Resolved in the Negative.

For the Affirmative,

Sothoron,
Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Waggaman,
Wilson,
Dent,
M. Tilghman,
Govane,
Cockey Deye,
Ward,
Bracco,
Henry.

16

For the Negative,

Plater,
Key,
Williamson,
Hynson,
J. J. Mackall,
Hanson,
Goldsborough,
Gray,
Sulivane,
Lecompte,
J. H. Dorsey,
Owings,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Sudler,
Chapline,
E. Dorsey,
Beatty,
Harris,
Cresap.

25

On Motion, the Question was put, That Factors be Taxed Five ꝑ Cent. upon the clear Profits derived from their Commissions. Resolved in the Affirmative.

For the Affirmative,

Sothoron,
Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
Mackall,
E. Gantt,
Dent,
Waggaman,
Wilson,
M. Tilghman,
Lecompte,
Govane,
Cockey Deye,
Ward,
Lloyd,
Bracco,
Henry,
Harris,
Cresap.

[21]

For the Negative,

Williamson,
Hynson,
Hanson,
Goldsborough,
Gray,
Sulivane,
J. H. Dorsey,
Owings,
Murdock,
Fraser,
T. Gantt,
E. Tilghman,
Sudler,
Chapline,
E. Dorsey,
Beatty.

[16]

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

L. H. J.
Liber No. 49
Mar. 1

Mr. Rasin appeared in the House.

On Motion, the Question was put, Whether there should be a Clause inserted in the Supply Bill, to oblige the Possessors of all Negroes and Servants, who are not Taxables, all Stock of Horses, Cattle, Sheep, and Hogs, all Plate, all Goods, Wares, and Merchandizes, ready Money, the Profits of all Offices, Benefits, and Possessions, and all Annuities, Stipends, Pensions, and Yearly Payments, under the Penalty of Treble the Value of the Tax or Imposition, such Estates, Goods, Wares, and Merchandizes, ready Money, Profits, Benefits, Annuities, Stipends, Pensions, and Yearly Payments, would amount unto. Resolved in the Negative.

p. 258

For the Affirmative,

Sothoron,
Williamson,
Hynson,
Rasin,
Tilden,
Dent,
Waggaman,
Wilson,
Goldsborough,
Owings,
Bracco,
Harris,
King,
Beatty.
14

For the Negative,

Plater,
Key,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Gray,
Sulivane,
Govane,
J. H. Dorsey,
Cackey Deye,
Ward,
Dulany,
Henry,
Lloyd,
E. Tilghman,
Sudler,
Chapline,
Murdock,
Fraser,
T. Gantt,
E. Dorsey,
Cresap.
27

On Motion, the Question was put, That the Commissioners nominated in the Bill, have the Appointment of the Assessors. Resolved in the Negative.

For the Affirmative,

Plater,
Sothoron,
Williamson,
Hynson,
Carroll,
Hanson,
Wilson,
M. Tilghman,
Murdock,
Fraser,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
E. Dorsey,
Cresap.
16

For the Negative,

Key,
Rasin,
Waggaman,
Goldsborough,
Ward,
Dulany,

L. H. J.
Liber No. 49
Mar. 1

Tilden,
Hammond,
Gassaway,
Worthington,
J. J. Mackall,
E. Gantt,
Dent,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Woodward,
T. Gantt,
King,
Henry,
Chapline,
Beatty.
26

On Motion, the Question was put, That the Part of the Bill, in relation to the Election of the Assessors, be altered. Resolved in the Negative.

For the Affirmative,

Sothoron,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Wilson,
M. Tilghman,
Dulany,
Woodward,
Murdock,
Fraser,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
E. Dorsey,
Cresap.
19

For the Negative,

Plater,
Key,
Williamson,
Rasin,
Tilden,
E. Gantt,
Hanson,
Dent,
Waggaman,
Goldsborough,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Ward,
T. Gantt,
King,
Henry,
Chapline,
Beatty.
23

The House adjourns till the Morrow Morning at 9 of the Clock.

Mar. 2

Thursday, March 2, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Progression in the second Reading of the Supply-Bill, the Question was put, That the Time of Election of Assessors be in October next. Resolved in the Affirmative.

For the Affirmative,

Plater,
Sothoron,
Williamson,
Hynson,
Dent,
Waggaman,
Goldsborough,
M. Tilghman,
Fraser,
T. Gantt,
King,
Lloyd,

L. H. J.
Liber No. 49
Mar. 2

Rasin,
Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Ward,
Murdock,
E. Tilghman,
Sudler,
Henry,
Harris,
Chapline,
E. Dorsey,
Beatty,
Cresap. 38

For the Negative,

Key,
Bracco. 2

p. 259

The Question was put, Whether any Persons shall be exempted from the Tax by the Supply-Bill (except those who receive Charitable Bounties) or Not?

For the Affirmative,

Plater,
Sothoron,
Williamson,
Tilden,
Gassaway,
J. J. Mackall,
Hanson,
Dent,
Goldsborough,
M. Tilghman,
Sulivane,
Lecompte,
J. H. Dorsey,
Cockey Deye,
Ward,
Murdock,
King,
Lloyd,
E. Tilghman,
Bracco,
Beatty. 21

For the Negative,

Key,
Hynson,
Rasin,
Hammond,
Carroll,
Worthington,
E. Gantt,
Waggaman,
Wilson,
Gray,
Govane,
Owings,
Woodward,
Fraser,
T. Gantt,
Sudler,
Henry,
Harris,
Chapline,
E. Dorsey,
Cresap. 21

The House being Divided on the aforegoing Question, the same was Determined by the Honourable Speaker in the Negative.

On Motion, the Question was put, Whether that Part of the Supply-Bill, which imposes a Double Tax upon Papists, be Altered, or Not? Resolved in the Negative.

For the Affirmative,

Plater,
Sothoron,
Key,
Hynson,
Wilson,
J. H. Dorsey,
Woodward,
T. Gantt,
King,
Henry,
Harris,
E. Dorsey. 12

L. H. J.
Liber No. 49
Mar. 2

For the Negative,

Williamson,
Rasin,
Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
Dent,
Waggaman,
Goldsborough,
M. Tilghman,
Gray,
Sulivane,
Lecompte,
Govane,
Cockey Deye,
Owings,
Ward,
Murdock,
Fraser,
Lloyd,
E. Tilghman,
Bracco,
Sudler,
Chapline,
Beatty,
Cresap. 30

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

The Bill, entituled, An Act for Granting a Supply of £30,000 for his Majesty's Service, &c. was Read the second Time, and committed for Amendments.

The House adjourns till the Morrow Morning at 9 of the Clock.

Mar. 3

Friday, March 3, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Gassaway. The Proceedings were Read.

On Motion, That a Bill be brought in relating to Guardians and Orphans; Leave is given:

Ordered, That Mr. Matthew Tilghman, Mr. Bracco, and Mr. Edward Dorsey, do prepare and bring in a Bill accordingly.

On Motion, the House appointed Mr. Basil Dorsey, junior, as Clerk, to attend the several Committees, who are or may be appointed to draw and prepare Bills for the Consideration of the House.

Ordered, That he be Qualified in the usual Form.

Mr. Basil Dorsey lodged with the Clerk of the House, the following Certificate, viz.

p. 260 I certify that Basil Dorsey, junior, came before me the Subscriber, one of his Lordship's Justices of the Peace for Anne-Arundel County, and took the several Oaths to the Government, repeated and subscribed the Oath of Abjuration, and the Test; and also took the following Oath, viz.

You Basil Dorsey, junior, do swear, That you will true Entries make of all such Matters and Things as shall be to you directed, by any Committee of the Lower House of Assembly, for whom you shall act as Clerk; and that you will not divulge the Secrets of the said House of Assembly, or of any Committee thereof; but will, in all Things, well and truly demean yourself, according to the best of your Knowledge. So help you God.

L. H. J.
Liber No. 49
Mar. 3

Richard Dorsey.

3d March, 1758.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Reeder appeared in the House.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.

By the Upper House of Assembly, March 3, 1758.

Gentlemen,

This House hath named Benedict Calvert, Esq; to join such Members as your House shall appoint, to Inspect the Accounts of the Agents appointed to execute and perform the several Matters and Things expressed in the Act, entituled, An Act for Granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit, and raising a Fund for sinking the same.

Signed ℘ Order, J. Ross, Cl. Up. Ho.

The House adjourns till the Morrow Morning at 9 of the Clock.

Saturday, March 4, 1758.

Mar. 4

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Baker and Mr. Gassaway appeared in the House.

Mr. Edward Dorsey brings in and delivers to Mr. Speaker, the Bill, entituled, An Act for Granting a Supply of £30,000 for his Majesty's Service, &c. with the Amendments made thereto.

On Reading the second Time the Bill, entituled, An Act for Granting a Supply of £30,000 for his Majesty's Service, &c. with the Amendments, the Question was put, Whether the said Bill shall Pass, or Not? Resolved in the Affirmative.

For the Affirmative,

Reeder,
Williamson,
Hynson,
Rasin,
Hammond,
Gassaway,
M. Tilghman,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Sudler,

L. H. J. Liber No. 49 Mar. 4

Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
Dent,
Cockey Deye,
Owings,
Ward,
Baker,
Murdock,
Fraser,
Chapline,
E. Dorsey,
Beatty,
Cresap.
34

For the Negative,

Plater,
Sothoron,
Key,
Tilden,
Waggaman,
Wilson,
Goldsborough,
Dulany,
Woodward,
Henry,
Harris.
11

p. 261 Which Bill was accordingly Indorsed, "Read the second Time, with the Amendments, and will pass;" and was sent to the Upper House, by Mr. Lloyd, and Twelve more.

Mr. Goldsborough, Mr. Hammond Dorsey, Mr. Harris, Mr. Hanson, Mr. Owings, Mr. Fraser, Mr. Sudler, Mr. Sothoron, Mr. Plater, Mr. Key, Mr. Dent, and Mr. King, have Leave of Absence.

On Motion, Leave given, to bring in a Bill for the Adjournment of Baltimore County Court:

Ordered, That Mr. Edward Dorsey, and Mr. Wilson, do prepare and bring in a Bill accordingly.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Murdock hath Leave to go home.

Ordered, That Major Waggaman and Mr. Gassaway be added to the Committee of Accounts

The House adjourns till Monday Morning at 9 of the Clock.

Mar. 6

Monday, March 6, 1758.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. King, Mr. Plater, Mr. Sothoron, Mr. Key, Mr. Hanson, Mr. Dent, Mr. Goldsborough, Mr. John Hammond Dorsey, Mr. Fraser, Mr. Harris, and Mr. Sudler. The Proceedings were Read.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Dorsey brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Continuance of Causes, Pleas, and sundry other Proceedings, in Baltimore County Court; which Bill was Read the first and second Time by an especial Order, and will pass; and was sent to the Upper House by Mr. Govane and Mr. Cockey Deye.

L. H. J.
Liber No. 49
Mar. 6

On Motion, Ordered, That an Address be prepared to his Excellency the Governor, in Answer to his Message of the 23d of February last; and that Mr. Edward Dorsey, Col. Tilghman, Mr. Matthew Tilghman, Mr. Carroll, and Alexander Williamson, Esq; do prepare and bring in such Address.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for the Continuance of Causes, Pleas, and sundry other Proceedings, in Baltimore County Court; Indorsed, "By the Upper House of Assembly, March 6, 1758. Read the first and second Time by an especial Order, and will Pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Which Bill was here Read, and passed for Ingrossing.

Alexander Williamson, Esq; brings in and delivers to Mr. Speaker, the following Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

In our Address of the 23d of February last, we desired to know by Virtue of what Law the two Companies of Militia, mentioned in that Address, were compelled to march; and your Excellency has not been pleased to give us a direct Answer on that Point; we now think it our indispensible Duty again to request the Favour, to be informed explicitly by what Law or Authority those Militia were ordered out, and compelled to march.

As we do not know of any Law, by which the Militia lately ordered out, could have been punished had they refused to have marched, if there be any such we are greatly desirous it may be pointed out to the public View.

On Reading the second Time, the said Address; the Question was put, Whether the House approves the same, or Not? Resolved in the Affirmative. p. 262

For the Affirmative,

Reeder,
Williamson,
Hynson,
Rasin,
Hammond,
Gassaway,
Carroll,
Worthington,
E. Gantt,

M. Tilghman,
Sulivane,
Lecompte,
Govane,
Cockey Deye,
Owings,
Ward,
Woodward,
Murdock,

T. Gantt,
Lloyd,
E. Tilghman,
Bracco,
E. Dorsey,
Beatty,
Cresap.

25

L. H. J.
Liber No. 49
Mar. 6

For the Negative,

Tilden,
Waggaman,
Wilson,
Gray,
Dulany,
Henry,
Chapline.

7

In Pursuance of the Resolution of the aforegoing Question, the said Address was Indorsed, "Read, Approved, and Ordered to be Ingrossed."

Mr. Dorsey brings in and delivers to Mr. Speaker, an ingrossed Bill, entituled, An Act for the Continuance of Causes, Pleas and other Proceedings, in Baltimore County Court; which was Read and Assented to, and sent to the Upper House, with the Paper Bill, by Mr. Edward Gantt and Mr. Wilson.

Mr. Dorsey brings in and delivers to Mr. Speaker, the Address to his Excellency Ingrossed; which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Alexander Williamson, Esq; and Mr. Bracco, do acquaint his Excellency, that this House hath prepared an Address, to be presented to him, and desires to know when and where he will receive it. They return and acquaint Mr. Speaker, that the Governor signified he would receive the Address immediately in the Council Chamber.

Ordered, That Mr. Govane, with Three more, do present the Address.

Mr. Wilson brings in and delivers to Mr. Speaker, a Bill, entituled, A Supplementary Act to an Act, entituled, An Act for Granting a Supply of £40,000 for his Majesty's Service, and striking £34015 6s. thereof in Bills of Credit, and Raising a Fund for sinking the same; which was Read the first Time, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 9 of the Clock.

Mar. 7

Tuesday, March 7, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Bracco brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, that shall serve in the General Assembly; and of the Clerks and other Officers of both Houses; and of the Commissioners of the Provincial and County Courts of this Province; and for securing the Independency of the said Deputies and Delegates; which was Read the first Time, and Ordered to lie on the Table.

The Bill, entituled, A Supplementary Act to an Act, entituled, An
p. 263 Act for Granting a Supply of £40,000 for his Majesty's Service, and

L. H. J.
Liber No. 49
Mar. 7

striking £34015 6s. thereof in Bills of Credit, and Raising a Fund for sinking the same, was Read the second Time, and will Pass; and was sent to the Upper House by Mr. Mackall and Mr. Tilden.

Ordered, That all Persons who have Claims against the Public, for furnishing his Majesty's Regular Forces with Quarters, Provisions and Necessaries, do lodge them with the Committee of Accounts on or before Thursday next, that they may be then received, adjusted and allowed, by the said Committee; and that the said Committee do not receive any Claims against the Public after next Thursday, during this Session.

Ordered, That the Committee of Accounts do close the Journal of Accounts on Friday next.

Resolved, That this House will not proceed on any new Business this Session, after Thursday next.

On Motion, Leave given, to bring in a Bill To enable the Justices of Cæcil County, to appropriate the remaining Part of the Sum of £500 delivered out of the Paper-Office, for Building a Prison in the said County, and to replace the Sum of   now in the Hands of Sabina Rigby, Executrix of William Rumsey, into the Paper Currency-Office:

Ordered, That Mr. Edward Dorsey, Col. Tilghman, and Mr. Matthew Tilghman, do prepare and bring in a Bill accordingly.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment: The Members were called, and all appeared as in the Morning, except Mr. Gassaway, who is excused from Attendance thro' the Indisposition of his Family.

Mr. Wilson brings in and delivers to Mr. Speaker, the following Report, viz.

By the Committee appointed by the Honourable the Lower House of Assembly, to Enquire what Laws will Expire at the Close of this Session.

Your Committee cannot find, that any Laws will Expire at the End thereof.

But your Committee take Leave to inform the Honourable House, that an Act to impower the Justices of the several County Courts, to make Provision for the late Inhabitants of Nova-Scotia, and for Regulating their Conduct, will Expire on the Tenth Day of May next.

All which is humbly submitted to the Consideration of the Honourable House.

Signed ꝑ Order, Basil Dorsey, junior, Clerk.

Which was Read, and Ordered to lie on the Table.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for Granting a Supply of

L. H. J. Liber No. 49 Mar. 7 £30,000 for his Majesty's Service, &c. Indorsed, "By the Upper House of Assembly, 6th March, 1758. Read the first Time, and Ordered to lie on the Table.

And thus, "By the Upper House of Assembly, 7th March, 1758. Read the second Time, and will not Pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

The House adjourns till the Morrow Morning at 8 of the Clock.

Mar. 8 p. 264

Wednesday, March 8, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday Afternoon. The Proceedings were Read.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Fraser appeared in the House.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, A Supplementary Act to an Act, entituled, An Act for Granting a Supply of £40,000 &c. Indorsed, "By the Upper House of Assembly, 7th March 1758. Read the first Time and ordered to lie on the table" and thus "By the Upper House of Assembly 8th March, 1758. Read the second Time, and will Pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Which Bill was Read here, and Passed for Ingrossing.

Mr. Govane, from the Committee of Accounts, brings in sundry Accounts for Claims against the Public of this Province.

On Motion, the Question was put, That the said Accounts be Referred for Consideration next Assembly. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Hynson,
Tilden,
Hammond,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Waggaman,
Sulivane,
Lecompte,
Govane,
Cockey Deye,
Owings,
Fraser,
T. Gantt,
E. Tilghman,
Henry,
E. Dorsey,
Cresap.
20

For the Negative,

Williamson,
Rasin,
Wilson,
M. Tilghman,
Baker,
Ward,
Dulany,
Woodward,
Murdock,
Bracco,
Chapline,
Beatty.
12

L. H. J.
Liber No. 49
Mar. 8

On Motion, the Question was put, Whether the following Question, viz. [Whether Leave be given to bring in a Bill for Raising £30,000 for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, by a Tax upon all Ferriages, a Tax upon all Pilots, a Tax upon all Taxables, with an additional Tax upon Negro Taxables, a Tax of a certain Sum on Land by the Hundred, a Tax upon all Lucrative Offices, and Places of Profit, Benefices and Professions, a Tax upon all the Proprietary's Manors, Reserved and Leased Lands, allowing the Proprietors of Lands to have a Deduction of Part of the Quit-Rents, and all Debtors a Deduction of Part of their Debts,] shall be now put, or Not? Resolved in the Negative.

For the Affirmative, p. 265

Tilden,
Waggaman,
Wilson,
Woodward,
Henry. [5]

For the Negative,

Reeder,
Williamson,
Hynson,
Rasin,
Hammond,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
M. Tilghman,
Gray,
Sulivane,
Lecompte,
Govane,
Cockey Deye,
Owings,
Baker,
Ward,
Dulany,
Murdock,
Fraser,
T. Gantt,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
E. Dorsey,
Beatty,
Cresap. 29

On Reading the Petition of Thomas Clark and George Scott, of Prince-George's County;

Ordered, That Mr. Edward Dorsey, Mr. Carroll, Mr. Lloyd, Col. Tilghman, and Mr. Hammond, be a Committee to examine the Allegations and Proposals contained in the said Petition, and make Report thereof to the House.

Mr. James John Mackall having urgent Business to transact, hath Leave of Absence till Friday.

On Motion, That a Bill be brought in To make it Penal to Counterfeit the Paper Currency of the neighbouring Colonies, and to utter such in Payment within this Province; Leave is given:

Ordered, That Mr. Williamson, Mr. Bracco, and Mr. Wilson, do prepare and bring in a Bill accordingly.

The House adjourns till the Morrow Morning at 8 of the Clock.

L. H. J.
Liber No. 49
Mar. 9

Thursday, March 9, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. King and Capt. Lowes appeared in the House.

On Motion, Ordered, That an Address be prepared to his Excellency the Governor; and that Colonel Tilghman do prepare and bring in such Address.

Mr. Waggaman having urgent Business to transact, hath Leave to be absent.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act relating to Guardians and Orphans; which was Read the first Time, and Ordered to lie on the Table.

On Reading the second Time the Bill, entituled, An Act for the Security of Purchasers and Others, claiming by or from Aliens, the Question was put, That the said Bill do Pass. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Williamson,
Hynson,
Rasin,
Waggaman,
Lowes,
Wilson,
Gray,
Sulivane,
Govane,
Cockey Deye,
Baker,
Ward,
Dulany,
Woodward,
Murdock,
Fraser,
T. Gantt,
Bracco,
Henry,
Chapline,
E. Dorsey,
Beatty,
Cresap. [24]

For the Negative,

Tilden,
Hammond,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
M. Tilghman,
Lecompte,
Owings,
King,
Lloyd,
E. Tilghman. [12]

On Resolution of the aforegoing Question, the said Bill was Indorsed, "Read the second Time, and will Pass;" and was sent to the Upper House by Capt. Chapline and Mr. Beatty.

p. 266

Mr. Bracco brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent, and Suffex, or to utter or tender the same in Payment within this Province, knowing them to be such; was Read the first and second Time by an especial Order, and will Pass; and was sent to the Upper House by Mr. Thomas Gantt and Mr. Tilden.

L. H. J.
Liber No. 49
Mar. 9

Samuel Chamberlaine, Esq; and Colonel Tasker, from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of the Lower House of Assembly immediately in the Council Chamber.

Mr. Speaker left the Chair, and (with the Rest of the Members of the Lower House) went to the Council Chamber; where his Excellency the Governor made the following Speech, viz.

Gentlemen of the Upper and Lower Houses of Assembly,

I have thought fit, with the Advice of his Lordship's Council of State, to Prorogue this Assembly to Thursday the Twenty-third Day of this Instant March; and you are to take Notice you are Prorogued to that Day accordingly.

So Endeth this Convention in Assembly, this 9th Day of March, in the Seventh Year of his Lordship's Dominion, and in the Year of our Lord One Thousand Seven Hundred and Fifty-eight.

Test. M. Macnemara, Cl. Lo. Ho.

[No acts were passed at this session]

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY OF MARYLAND

At a Session Held at Annapolis, March 28–May 13, 1758.
Being the Third Session of the Assembly Elected in
September, 1757.

FREDERICK CALVERT, LORD BALTIMORE,
Lord Proprietary.

HORATIO SHARPE,
Governor.

PROCEEDINGS

OF THE

UPPER HOUSE OF ASSEMBLY

U. H. J.
Liber No. 35
1758,
Mar. 28
p. 253

At a Session of Assembly begun and held at the City of Annapolis on Tuesday the twenty eighth Day of March in the seventh Year of his Lordship's Dominion Annoque Domini 1758:

Present

His Excellency Horatio Sharpe Esq. Governor.

The honourable
Benjamin Tasker Esq.^{r}
Colo: Charles Hammond
Samuel Chamberlaine Esq.^{r}
Col: Benjamin Tasker
Benedict Calvert Esq.

Mess.^{rs} Goldsborough and Plater from the Lower House acquaint his Excellency that there is a sufficient Number of Members met to make a House and wait his Excellency's Commands.

Colo: Hammond and Samuel Chamberlaine Esq.^{r} are sent to acquaint the Lower House that his Excellency requires their Attendance in the Upper House immediately.

The Lower House attend and his Excellency is pleased to make the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly

I meet you at this Time in Obedience to a Letter that I have received from the Right honourable William Pitt Esq.^{r} one of his Majesty's principal Secretaries of State the Substance of which is, that his Majesty having Nothing more at Heart than to repair the Losses and Disappointments of the last Campaign, and by the most vigorous and extensive Efforts, to avert by the Blessing of God on his Arms, the Dangers impending on North America, and trusting that all his faithful and brave Subjects here will chearfully cooperate with, and second to the utmost the extraordinary Succours supplied by his Kingdom of Great Britain for our Preservation and Defence hath commanded circular Letters to be sent to the several Governors on the Continent requiring them to convene their respective Assemblies without Delay and to press them to raise with the utmost Dispatch as large a Body of Men as the Number and Circumstances of their Inhabitants might allow, that the same being formed into p. 254 Regiments as far as shall be found convenient might be ready to march from such Place of Rendezvous as shall be appointed by the first of May, or as soon after as shall be any Way practicable

U. H. J. Liber No. 35 Mar. 28

As his Majesty was unwilling to limit the Zeal and Ardour of any of his Provinces he was pleased to decline fixing the particular Number of Men that each of them should furnish but you will see by a Letter from General Abercrombie the Commander in Chief of all the King's Forces in America that it is expected this Government together with Virginia and Pensilvania will furnish a Body of 6000: Men to be employed with some of his Majesty's regular Troops in such offensive Operations as Brigadier General Forbes who is appointed to command them shall judge most expedient for annoying the Enemy and most efficacious towards removing and repelling the Dangers that threaten the Frontiers of these Southern Colonies; while the Troops furnished by the Northern Provinces in Conjunction with another Body of regular Forces are employed in such offensive Operations as the Circumstances, and Situation of the Enemy's Possessions in that Part of the Continent shall point out.

That the Expence to the Colonies might be lessened as much as possible the Men that they shall respectively raise are to be supplied with Arms Ammunition and Tents out of the King's Stores, and his Majesty's Commissaries have likewise received Orders to victual them in the same Manner and Proportion that his regular Forces in North America are victualled the Whole therefore that his Majesty expects and requires from the several Provinces is to levy, cloath and pay the Men; and on these Heads also that no Encouragement might be wanting to the fullest Exertion of our Force, he is farther most graciously pleased to permit the Secretary of State to assure us that strong Recommendations will be made to Parliament in their Session next year to grant a proper Compensation for the Expences that his American Subjects might be at according as the active Vigour and strenuous Efforts of the respective Provinces shall justly appear to merit.

Gentlemen of both Houses.

As I am persuaded this fresh Instance of his Majesty's paternal Care and Sollicitude for the Preservation and Welfare of these Colonies will make the deepest Impression on you, and that you will be extremely anxious to confirm the good Opinion he has been favourably pleased to entertain of his faithful Subjects the Inhabitants of Maryland, that you are sensible how much this Province is interested in the Event of the ensuing Campaign and thoroughly convinced of the Impossibility of our Frontiers being effectually secured while the French keep Possession of the Forts they have been suffered to build on the Ohio, I doubt not but you will strengthen the Hands of Brigadier Forbes with such Succours as may enable him to answer the Expectations of our most gracious Sovereign and deliver us from the Danger to which we must otherwise be continually exposed: p. 255

[Horatio Sharpe]

S.^r Whitehall 30: Dec.^r 1757. U. H. J. Liber No. 35 Mar. 28

His Majesty having Nothing more at Heart than to repair the Losses and Disappointments of the last inactive and unhappy Campaign and by the most vigorous and extensive Efforts to avert by the Blessing of God on his Arms the Dangers impending on North America, and not doubting but all his faithful and brave Subjects here will chearfully cooperate with and second to the utmost the large Expence, and extraordinary Succours supplied by this Kingdom for their Preservation and Defence, and his Majesty considering that the several Provinces from Pensilvania inclusive to the Southward are well able with proper Encouragements to furnish a Body of several thousand Men to join the Kings Forces in those Parts for some offensive Operations against the Enemy, and his Majesty not judging it expedient to limit the Zeal and Ardour of any of his Provinces by making a Repartition of the Forces to be raised by each respectively for this most important Service, I am commanded to signify to you the King's Pleasure that you do forthwith use your utmost Endeavours and Influence with the Council and Assembly of your Province to induce them to raise with all possible Dispatch as large a Body of Men within your Government as the Number and Situation of its Inhabitants may allow, and forming the same into Regiments as far as shall be found convenient, that you do direct them to hold themselves in Readiness as early as may be, to march to the Rendezvous at such Place or Places as may be p. 256 named for that Purpose by Brigadier General Forbes appointed to command his Majesty's Forces in those Parts, in Order to proceed from thence in conjunction with a Body of his Majesty's British Forces, and under the supreme Command of Brigadier Forbes appointed as above, so as to be in a Situation to begin by the first of may (if possible) or as soon after as shall be any way practicable such offensive Operations as shall be judged by the said Commander of his Majesty's Forces in those Parts most expedient for annoying the Enemy, and most efficacious towards removing and repelling the Dangers that threaten the Frontiers of any of the Southern Colonies on the Continent of America, and the better to facilitate the important Service the King is pleased to leave it to you to issue Commissions to such Gentlemen of your Province as you shall judge from their Weight and Credit with the People and their Zeal for the public Service may be best disposed and enabled to quicken and effectuate the speedy levying of the greatest Number of Men, in the Dispositions of which Commissions I am persuaded you will have Nothing in View but the good of the King's Service, and a due Subordination of the whole when joined to his Majesty's Commander, and all Officers of the Provincial Forces as high as Colonels inclusive are to have Rank according to their several respective Comm.^ns in like Manner as is already given by his Majesty's Regulations to the Captains of Provincial Troops in America.

U. H. J. Liber No. 35 Mar. 28 The King is further pleased to furnish all the Men so raised as above, with Arms Ammunition and Tents as well as to order Provisions to be issued to the same by his Majesty's Commissaries in the same Proportion and manner as is done to the rest of the King's Forces, and a sufficient Train of Artillery will also be provided at his Majesty's Expence for the Operations of the Campaign; the Whole therefore that the King expects and requires from the several Provinces is the levying cloathing and Pay of the Men, and on these Heads also that no Encouragement may be wanting to the fullest Exertion of your Force, the King is farther most graciously pleased to permit me to acquaint you that strong Recommendations will be made to Parliament in their Session next Year to grant a proper Compensation for such Expences as above, according as the active Vigour and strenuous Efforts of the respective Provinces shall justly appear p. 257 to merit. Altho' several Thousands Stands of Arms will be forthwith sent from England to be distributed to the Troops now directed to be raised in the Southern and northern Provinces, yet as it is hoped that the Numbers of Men levied in all Parts of America may greatly exceed the Quantity of Arms that can at present be supplied from England, it is his Majesty's Pleasure that you do with particular Diligence immediately collect and put into the best Condition all the serviceable Arms that can be found within your Gov:^t^ in Order that the same may be employed as far as they will go in this Exigency.

I am further to inform you, that similar Orders are sent by this Conveyance to Pensilvania, Virginia, North Carolina and South Carolina, the northern Governments are also directed to raise Men in the same manner to be employed in such offensive Operations as the Circumstances and Situation of the Enemy's Possessions in those Parts may point out which it is hoped will oblige them so to divide their Attention and Forces as will render the several Attempts more easy and successful.

It is unnecessary to add any thing to animate your Zeal in the Execution of his Majesty's Orders on this great Occasion where the Safety and Preservation of America and of your own Province in particular are at Stake, and the King doubts not from your known Fidelity and Attachment that you will employ yourself with the utmost Application and Dispatch in this urgent and dangerous Crisis. I am Sir, your most obed.^{t} humble Servant

W: Pitt

New York March 15.th 1758:

Sir

By circular Letters from M.^{r} Secretary Pitt bearing Date at Whitehall Dec.^{r} 30, 1757, to all his Majesty's Governors on the Continent of North America from Pensilvania inclusive to the Southward which Letters arrived here on the fourth Instant by the Squirrel Ship of War and were immediately forwarded to you by Express from Lieu.^t Governor Delancey, you will find Sir that the King having judged proper that the Earl of Loudoun should return to England, his Majesty at the same time was pleased to appoint me to succeed his Lordship as Commander in Chief of the King's Forces in North America with the same Powers and Authorities, and you will likewise find that in Pursuance of that Appointment it was his Majesty's Pleasure that all his Governors on the Continent should apply to and correspond with me on all Matters relating to the King's Service. in Consequence of which Pleasure so signified to you and repeated to me, I am to recommend to you to use your utmost Endeavours and Influences with the Council and Assembly of your Province to induce to raise with all possible Dispatch as large a Body of Men within your Government, as the Number and Situation of its Inhabitants may allow, all which has already been strongly recommended to you by his Majesty's Secretary of State as likewise several other Matters contained in that same letter, which for the Sake of Brevity I shall avoid repeating and solely refer myself to, as it is so full that I do not think it can want any Addition, so far I will venture to go for your further Guidance as to fix the Number of Provincial Troops that may be wanted for his Majesty's Service in those Quarters to six thousand, to be furnished by Virginia Maryland and Pensilvania, in such Proportions and upon the Terms set forth in the above quoted Letter of M.^r Secretary Pitt to his Majesty's Governors in North America.

U. H. J.
Liber No. 35
Mar. 28

p. 258

I am at the same Time to acquaint you that as it is absolutely necessary for his Majesty's Service that an immediate Embargo should be laid on all Ships in the different Ports of the respective Provinces in North America, and as you have already been forewarned that whenever such Directions should be transmitted to you by his Majesty's Commander in Chief in these Parts, you should without any the least Difficulty comply therewith, I make no Doubt that upon Receipt hereof you will forthwith publish the said Embargo, which is to hold good until such time as you receive Notice from me to take off the same, which you may depend on being transmitted to you as soon as his Majesty's Service will allow of it.

I have Nothing further to add, but to desire that you will give me the earliest Notice possible of the Success you meet with in your Application to your Council and Assembly, and what Resolutions they are, or are likely to come to upon the Subject of the Troops to be raised by them conformable to his Majesty's Directions, especially as the Season is so far advanced, and there is no Time to lose: I am with great Regard, Sir, your most obed.^t humble Servant.

p. 259

James Abercromby.

P S: The Embargo took Place
in this Port Yesterday

To the honble Horatio Sharpe Esq.^r

Adjourned 'till to Morrow Morning ten of the Clock

U. H. J. Liber No. 35 Mar. 29

Wednesday Morning 29:th March 1758.

This House met again according to Adjournment

Present as Yesterday except Col: Hammond

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess:rs Williamson & Gantt.

By the Lower House of Assembly 29:th March 1758:

May it please your Honours

This House hath appointed M.r Dulany M.r Earle, Col. Henry M.r Lloyd, M.r Bracco, M.r Williamson, M.r Matthew Tilghman, M.r Worthington, and M.r Hanson a Committee from this House to inspect the Accounts and Proceedings of the Commissioners, or Trustees for emitting Bills of Credit established by Act of Assembly, and desire your Honours to appoint one or more of the Members of your House to join in the said Committee.

Signed ꝑ: Order MMacnemara Cl Lo Ho.

The following Message is sent to the Lower House by Sam. Chamberlaine Esq.r

By the Upper House of Assembly 29:th March 1758.

Gentlemen

This House hath appointed Samuel Chamberlaine Esq: to join the Members named by your House in a Committee to inspect the Acco.ts and Proceedings of the Commissioners of the Paper Currency Office.

Signed ꝑ: Order J Ross Cl: Upp: House

Adjourned 'till to Morrow 10: o' the Clock.

Mar. 30 p. 260

Thursday Morning 30.th of March 1758.

This House met again according to Adjournment.

Present as Yesterday and Col: Hammond

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: o' the Clock.

Friday Morning 31. of March 1758.

U. H. J.
Liber No. 35
Mar. 31

This House met again according to Adjournment

Present as Yesterday

Benjamin Tasker Esq.r attended by the Members of this House presents to his Excellency their Address which follows in these Words.

To his Excellency Horatio Sharpe Esq.r Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the Upper House of Assembly.

May it please your Excellency

We return your Excellency Thanks for your Speech at the Opening of this Session.

It is with the greatest Satisfaction we learn from your Excellency that his Majesty has ordered vigorous and extensive Efforts to be made in the ensuing Campaign to annoy his Enemies in America, and particularly that an Expedition is to be undertaken under the Command of Brigadier Forbes to reduce the Forts the Enemy have been suffered to build on this Side of the Ohio: this is a Measure we are convinced so essential to the future Happiness of this Province that you may be assured We will do every thing in our Power to promote the Success of it

His Majesty's Goodness in supplying Provisions and other Necessaries for this extensive Service and his most gracious Promise to recommend to his parliament to grant a proper Compensation for the Expence his American Colonies may be at in carrying on that p. 261 Part of it recommended to them is a fresh Instance of Regard for his American Subjects, and we beg Leave to take this Opportunity of expressing the grateful Sense we bear of his paternal Goodness.

B: Tasker President

March 30.th 1758:

His Excellency is pleased to communicate to this House his Answer to their Address which follows in these Words.

Gentlemen of the Upper House of Assembly

The Assurance you are pleased to give me in your Address that you will do every Thing in your Power to promote the Success of the Operations that are about to be carried on in this Part of America is a Proof of your Gratitude to our most gracious Sovereign for his paternal Goodness and Care, at this Time so remarkably manifested to us, and shews that you have the Interest and Happiness of this Province truly at Heart. Be pleased to accept my grateful Acknowledgments for the same.

Horatio Sharpe.

U. H. J. Liber No. 35 Mar. 31 A Bill from the Lower House by Mess.rs Williamson and Handy entituled, An Act for Encouragement of a Party of Cherokee Indians which have been some Time on the Frontiers of this Province, and for Payment of the reasonable Expences of their Interpreter and Conductor. thus endorsed.

By the Lower House of Assembly 31. March 1758.

Read the first and second Time by an especial Order and will pass:

Signed ꝑ. Order M Macnemara Cl. lo. Ho:

Read the first time in this House passed & sent to the Lower House by Benedict Calvert Esq:r

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournm.t

Present as in the Morning and Col:o

An engrossed Bill from the Lower House by Mess.rs Dorsey and p. 262 Hynson entitled, An Act for Encouragement of a Party of Cherokee Indians which have been sometime on the Frontiers of this Province, and for Payment of the reasonable Expences of their Interpreter and Conductor. thus subscribed.

31. March 1758. Read and assented to by the Lower House of Assembly

Signed ꝑ. Order MMacnemara Cl Lo Ho.

Read and assented to by this House and ordered to be so subscribed. the Paper Bill so endorsed is sent to the Lower House by Col: Tasker.

Samuel Chamberlaine Esq.r and Col: Benjamin Tasker are sent to acquaint the Lower House that his Excellency requires their Attendance in the Upper House immediately.

The Lower House attend, and by their Speaker present to his Excellency the aforegoing Bill which the Governor passes into a Law in the usual Form by sealing it with the Right honourable the Lord Proprietary his great Seal at Arms and subscribing it on Behalf of the Right honourable the Lord Proprietary of this Province I will this be a Law.

Read the Petition of several Waggoners in Frederick County praying an Allowance may be made for making a Waggon Road in this Province from Fort Frederick to Fort Cumberland referred to the Consideration of the Lower House and sent by Col: Tasker.

Adjourned 'till to Morrow Morning ten of the Clock.

Saturday Morning 1.st of April 1758. U. H. J. Liber No. 35 April 1

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till Monday Morning ten of the Clock

Monday Morning 3.d of April 1758: April 3

This House met again according to Adjournment.

Present p. 263

Benjamin Tasker Esq.r Col: Charles Hammond Samuel Chamberlaine Esq.r	Col: William Goldsborough Daniel Dulany Esq.r

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning and Col: Tasker.

Adjourned till to Morrow Morning 10: o' Clock.

Tuesday Morning 4. April 1758. April 4

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning and Bend.t Calvert Esq.r

Adjourned 'till to Morrow Morning 10: o' Clock

Wednesday Morning 5.th April 1758: April 5

This House met according to Adjournment

Present as Yesterday

Read the Petition of the Rector and Vestrymen of S.t George's Parish in Baltimore County praying that the Justices of the said

U. H. J. Liber No. 35 April 5 County may be enabled at their adjourned Court to be held in May next to tax the Inhabitants of the said Parish the Money to be raised in 1758: and to release the Inhabitants of the said Parish from the Payment of seven Pounds of Tobacco ꝑ. Poll assessed on them by the Justices of the said County at Nov.r Court last referred to the Consideration of the Lower House and sent by Col: Tasker.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

p. 264 This House met again according to Adjournm.t

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

April 6 Thursday Morning 6. April 1758.

This House met again according to Adjournm.t

Present as Yesterday

Adjourned 'till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: o' the Clock

April 7 Friday Morning 7.th April 1758:

This House met again according to Adjournment

Present as Yesterday

Read the Petition of William Cromwell praying an Allowance may be made him of £25.6.3. Currency, for eighty one Days Attendance on a Party of Cherokee Indians as a Conductor from Winchester to Fort Frederick. rejected.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning and Col: Henry

Adjourned 'till to Morrow Morning 10: of the Clock.

Saturday Morning 8.th April 1758.

U. H. J.
Liber No. 35
April 8

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by the honourable the Speaker attended by most of the Members of that House entitled, An Act for granting a Supply of £45,000: for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province and emitting £35000: thereof in Bills of Credit, and raising a Fund for sinking and replacing the Whole by an equal Assessment on all Estates real and personal and lucrative Offices and Employments thus endorsed. p. 265

By the Lower House of Assembly 6.th April 1758.

Read the first Time and ordered to lye on the Table

Signed ꝑ. Order M Macnemara Cl lo Ho

By the Lower House of Assembly 8.th April 1758

Read the second Time and will pass.

Signed ꝑ: Order MMacnemara Cl Lo Ho.

Read the first Time in this House and ordered to lie on the Table.

Adjourned till Monday Morning 10. o' the Clock

Monday Morning 10. of April 1758. April 10

This House met again according to Adjournment

Present

The honourable	Benjamin Tasker Esq.r Samuel Chamberlaine Esq.r Colo: Tasker Richard Lee Esq.r	Colo: Henry Colo: Goldsborough Daniel Dulany Esq.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem.

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: o' the Clock

U. H. J. Liber No. 35 April 11 Tuesday Morning 11: April 1758.

This House met again according to Adjournm.^t

p. 266 Present as Yesterday and Colo: Hammond.

Read the Representation of the Visitors of Talbot County School praying an Expedient may be found out for the Payment of the Arrears due to the Master and Register of the said School, referred to the Consideration of the Lower House and sent by Samuel Chamberlaine Esq:^r

Adjourned 'till to Morrow Morning 10: o' the Clock

April 12 Wednesday Morning 12. April 1758.

This House met again according to Adjournment

Present as Yesterday and Benedict Calvert Esq.^r

Read the second time the Bill, entituled, An Act for granting a Supply of £45000. for his Majesty's Service, and striking £35000: thereof in Bills of Credit, and raising a Fund for sinking and replacing the Whole by an equal Assessment on all Estates Real and personal and lucrative Offices and Employments, and will not pass; sent to the Lower House by Col: Hammond.

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message with the Bill, entitled, An Act for granting a Supply of £45000: for his Majesty's Service, and striking £35000: thereof in Bills of Credit, and raising a Fund for sinking and replacing the Whole by an equal Assessment on all Estates real and personal, and lucrative Offices and Employments, is brought from the Lower House by M.^r Edward Tilghman and others.

By the Lower House of Assembly April 12. 1758.

May it please your Honours.

[This Message printed in full in Lower House Journal p. 575]

p. 267 Adjourned 'till to Morrow Morning 10: of the Clock

April 13 Thursday Morning 13. April 1758.

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 35
April 13

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Friday Morning 14. April 1758: April 14

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment p. 268

Present as in the Morning

Adjourned 'till to Morrow Morning 10. o' the Clock

Saturday Morning 15.th April 1758. April 15

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning

Adjourned 'till Monday Morning 10: of the Clock

Monday Morning 17. April 1758. April 17

This House met again according to Adjournment

Present

The honourable	Samuel Chamberlaine Esq.r	Colo: Henry
	Col. Benjamin Tasker	Colo: Goldsborough
	Richard Lee Esq.r	Daniel Dulany Esq.r

Adjourned 'till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: o' the Clock

U. H. J. Liber No. 35 April 18

Tuesday Morning 18. April 1758:

This House met again according to Adjournment

Present as Yesterday with Colo Hammond.

A Bill from the Lower House by Mess.rs Govane and Dorsey, entitled An aiding Supplementary Act to an Act, entitled, An Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of S.t George's Parish in that County a Sum of Money for the Uses therein mentioned. thus endorsed.

By the Lower House of Assembly 11. April 1758.

Read the first time and ordered to lye on the Table.

Signed ꝑ. Order M Macnemara Cl Lo Ho.

p. 269 By the Lower House of Assembly 18.th April 1758:

Read the second Time and will pass

Signed ꝑ Order MMacnemara Cl Lo Ho.

Read the first Time in this House and ordered to lye on the Table

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message with the Bill, entitled, An Act for granting a Supply of £45000: for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and emitting £35000. thereof in Bills of Credit, and raising a Fund for sinking and replacing the Whole by an equal Assessment on all Estates real & personal and lucrative Offices and Employments is sent to the Lower House by Richard Lee Esq.r

By the Upper House of Assembly 17. April 1758.

Gentlemen

The Concern you have been pleased to express in your Message of the twelfth Instant at the Manner of our rejecting the Bills you had sent up was unexpected by us considering the late Resolves of the Lower House, that we had no Right but to pass or reject Money Bills.

We have not indeed been convinced that your Priviledges could be extended or our Rights abridged by such Resolves, but we chose to avoid Disputes upon the Subject of Privilege, which are generally handled with too much Acrimony to produce Conviction, or terminate in a constitutional Settlement, and did not apprehend that our Conduct, which could not have been more conformable to your Resolves had their Obligation been even admitted and acknowledged by us, would have given Occasion for the Concern intimated in your Message.

You signify to us that "if we had made our Objections to either "of the Bills you would have shewn the utmost Readiness to do every "thing you could consistent with your Rights and Privileges to have "brought about the Passage of them, and that we had sufficient "Reason to be satisfied that you would readily have found Means "to rectify any Inconsistencies Contradictions or Mistakes in any of "the Bills." U. H. J. Liber No. 35 April 18 p. 270

We do not mean to call in Question the Sincerity of this Declaration or to ascribe it to any other Cause than a Disposition to conciliate by a candid and dispassionate Procedure any Diversity of Opinion which both Houses may have entertained upon the Propriety or Expediency of these Bills, when we say that we really wish /since now our Opinion seems to be of some Consequence/ that the Proposition you have made in the Message under Consideration had come sooner that we might have been sooner able to communicate our Sentiments without alarming you in Respect of the Privileges you have claimed, giving up our own Rights, or subjecting ourselves to the animadversion of having deviated from the strict Rules of Intercourse between the two Houses. The Corrections you have made in the Bill, after you had received it with a Negative from us, notwithstanding they may not be consistent with parliamentary Modes of proceeding, we are willing to admit, and in Order to give you the Satisfaction you desire shall proceed to point out the material Objections we have to the Bill, not thinking that any Forms ought to be so religiously observed as to defeat the Duty we owe to our King and Country which demands at this critical Juncture a full Exertion of all our Powers, to vindicate the injured Rights of our most gracious Sovereign, and protect our Fellow Subjects in their Lives and Properties against the cruel and rapacious Invader

We object to the Preamble because it asserts that only the Delegates of the People give and grant, Whereas the Bill could not pass into a Law without the Proprietary's and our Concurrence, and the Sum of Money to be raised by it is intended to proceed from a Tax upon his Lordships real Estate and our real and personal Estates as well as yours. We object to your assuming the sole Nomination of the Officers mentioned in this Bill, we conceive that by the clear Words of the Charter the Appointment of all Officers civil and military belong to Lord Baltimore, and that you may have further Satisfaction upon this Point than would perhaps arise from a Perusal of the Charter, we shall add the Opinion of Lord Chief Justice Willes given when he was Attorney General at a Time when there was some Dispute about the Right of nominating Treasurers. the Case and Answers are as follow. viz.[t] p. 271

Q: 1. Whether by the Charter of Maryland the Lord Proprietary has not a Right to the Nomination of all Officers in General Civil as well as military?

U. H. J. Liber No. 35 April 18

I am of Opinion that by the Charter of Maryland, the Lord Proprietary hath a Right to nominate all Officers in General Civil as well as military

Q: 2: Whether there is any Thing particular in the Nature of the Office of Treasurer of either Shore to exempt it from the said Nomination?

It does not appear to me that there is any Thing so particular in the Office of Treasurer of either Shore as to take the Right of Nomination to that Office from the Lord Proprietary and give it to any other Person.

Q: 3: Whether a few Precedents in this Case of a Treasurer being appointed by the tripartite Concurrence of both Houses of Assembly and the Governor can or do overthrow his Lordship's Right?

All the Precedents except one being between 1692: and 1716: when my Lord Baltimore was out of Possession, I am of Opinion that they will not overthrow his Lordship's Right founded upon such plain Words in the Charter.

Q: 4: Whether the Precedents hereto annexed do divest the Proprietary of his Right of Nomination to the Office of Treasurer or Treasurers, the said Treasurer or Treasurers so nominated giving the Security the Law directs?

The Treasurer or Treasurers when nominated by the Lord Proprietary must give such Security as the Law directs to the other Part of this Query I have given an Answer already

J Willes 22.^d January 1736.

[See *Archives of Maryland, xxviii*, pp. 119-120]

If the Charter did not determine this Matter in favour of Lord Baltimore we must take the Liberty to assure you that we would not suffer our Estates to be taxed by Officers deriving their Power from your sole Nomination, and who naturally think themselves peculiarly accountable for their Conduct to yourselves.

We presume that the Officers appointed by the Bill should have Rewards proportioned to their Services, the Trust reposed in them, and the Trouble attending the Execution of it, and That, whether p. 272 these Services are added to Duties incident to a previous Appointment made by the Government or constitute the whole Duty of the Officers intended to be originally created by the Bill; but these Rules have not been observed by the Bill

The Commissioners of the Loan Office are directed by the Bill to sign, number and date £10000: of the blank Bills now in the Office, the highest Denomination whereof is 20/ they are to superintend the Printer whilst he shall print, strike, and stamp new Bills of

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Credit to the Amount of £25000: of the several Denominations following. viz.^{t} 10000: Bills of 20/. 10000: Bills of 15/. 10000. Bills of 10/: 10000 Bills of 5/. each, and use their utmost Care and Diligence, that these Bills according to their respective Denominations be forthwith printed and made ready for Emission and that the Number thereof be not exceeded, or any clandestine or fraudulent Practice used by the Printer his Servants or others concerned therein they are to receive the Stamps and Flowers after the Money shall be struck and stamped into their Office, and safely keep these under the Penalty of £500. They are to sign, number, and date the £25000: of the new Emission. they are constituted Receivers General of the whole Sum intended to be raised by the Bill, and consequently must keep separate Accounts with all the Collectors in the Province. they are to issue and pay out the Money to the Agents or Persons appointed to receive it, and consequently must also keep separate Accounts with them. they are each of them to enter into Bond with sufficient Sureties in the Penalty of £3000. sterling conditioned for the faithful Observance and discharge of the Trust reposed in them, and to take an Oath correspondent to the Condition of their Bonds. They are to keep distinct and separate Accounts as well of the Bills of Credit which they shall receive and pay pursuant to the Directions of the Bill, and of all other their Proceedings in Consequence thereof, and always be in Readiness to lay their Accounts and Proceedings before a Committee of both Houses for Inspection. They are to take in all torn and defaced Bills made Current by the Bill upon Application, and deliver out other Bills to the Persons applying. they are directed to attend two Days in the Week, Winter and Summer at their Office /the usual Holidays of Christmass excepted/ from the Hour of nine 'till twelve in the Forenoon, and from the Hour of five [sic] 'till two p. 273 in the Afternoon during the Continuance of the Bill, which at least would be for two Years, these Things are required of them, and they are each of them to receive the Sum of £10: Current Money and no more. These are the Service and this the Reward given by this Bill to these Officers who have been appointed by the Government.

The two Agents are Officers intended to be originally created by the Lower House of Assembly, these Gentlemen are to receive as a Reward for their Service the Sum of £672.4.0: which altho' we do not think it an extravagant one ought not to exceed £10: to each if the Commissioners have a sufficient Reward and the Rewards to each ought to be proportioned to their respective Services.

His Lordship's Agent who is a private Officer appointed by the Lord Baltimore for the Management of his Revenue and paid by his Lordship is enjoined by the Bill under the Penalty of £200. to make out for the Commissioners of the several Counties Accounts, /according to the best Information he has/ of the whole Quantity of Acres contained in his Lordship's Manors and reserved Lands

U. H. J. Liber No. 35 April 18 respectively, and also particular Accounts of all and every the Parts and Parcels of the Manors and reserved Lands, which shall be in the Tenure and Occupation of any Person or Persons with the Names of the Tenants Occupiers, or Possessors by the last Day of next August.

The Words /according to the best Information he has/ are so vague and indeterminate, that he could not be secure ag.^{t} Complaints, or even a Prosecution however exact he might be unless he should put himself to the very great Expence of surveying all the Manors and reserved Lands in the Province, and thereby ascertain the Quantity of Acres. this Service is to be exacted by a severe Penalty and he is to receive Nothing.

The Receivers of the Quit Rents are also the private Officers of the Proprietary and paid by him out of his Revenue, they are directed by the Bill to make out and deliver by the second Day of October next to the Commissioners true and fair Accounts from their last Debt Books of the Names and Quantities of Acres of every Tract or Parcel of Land within their Counties, and to whom the same to the best of their Information belongs or ought to be p. 274 charged, making a separate account for each Hundred as nearly as they can judge on Pain of forfeiting £50: in Case of Omission. for this the Reward is 40/:

The Commissioners of the several Counties are Officers intended to be originally appointed by the Lower House and created by the Bill each of these Gentlemen are to receive 8./ ꝑ Diem during the Time they shall be employed in the Service required of them.

The respective Sheriffs who are Officers appointed by the Governm.^{t} are directed to do the Duty of Collectors and are to receive a Commission of two ꝑ Centum by the Bill. Sheriffs are entitled to 6: ꝑ. Centum upon their Collection of Officer's and Lawyer's Fees, and we do not recollect an Instance of a less Commission than 5. ꝑ Centum being allowed them upon any public or County Levy. the Service directed to be done by the Bill would be attended with as much Expence Hazard and Trouble to the Sheriffs as in Case of any other Collection: they are to give new Security in £3000: and are held to the utmost Strictness in accounting not only for the Monies which they should actually receive, but which they might in the Apprehension of others receive. Their Bonds are liable to be put in Suit upon a Mistake, and at all Events they are to be charged with the Payment of their own Costs. To this we object because the Commission will not yield an adequate Satisfaction to the Officer for his faithful and diligent Discharge of his Duty, and we likewise object to the lodging of a Power in the Commissioners of the Loan Office to put the Collectors Bonds in Suit contrary to the established Usage of placing it in the supreme Magistrate.

We object to that Part of the Bill which constitutes the Members of the Lower House the sole Judges of the Allowances to be made to such Persons as have been put to an Expence in providing Necessaries for his Majesty's Troops in their Winter Quarters, because the Power you would assume on this Occasion is unprecedented, and we think ourselves to be as much concerned as you are in the just and equitable Distribution of public Money, as competent Judges of the Compensation which may be claimed and have an equal Right with yourselves to determine upon the Subject.

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The Persons exempted by this Bill from serving in the Office of Assessors are the Members of both Houses of Assembly, Persons practising Law and Physic and Inspectors only. to this Exemption we object because others ought to be included /viz.^{t} Clergymen, Magistrates, Sheriffs, Coroners, Officers of the Militia Merchants Factors Clerks Ordinary Keepers, Overseers, Millers Ferrymen, Mariners, and other Persons under like Circumstances.

p. 275

The double Tax imposed by the Bill upon the real and personal Estates of Nonjurors we can't agree to in Conscience, Justice or good Policy as we think such a Measure must effectually banish them. the first Settlement of this Province was made by the Roman Catholicks who had been driven from their native Country by the Severity of it's Laws and an Act for an unlimited Toleration of all Christians passed in the Year 1640. had a Spirit of Intolerance prevailed among the first Colonists the Progress in settling this Part of his Majestys Dominions had probably been retarded. After the Services those People have done in extending the Dominions of the Crown and settling this Country, after they have been promised and allowed an Asylum here, and upon the faith and Encouragement of an express Law by the Means of an honest and laudable Industry acquired a Competency for their Posterity to subsist upon an Act of the Legislature which must have the Effect of banishing them, when it can't be proved that the Safety or Welfare of the Community requires that such an extreme Measure should take Place could not we think be defended upon any principle of Justice or Policy

We object to the Generality of the Tax upon Debts, and think that should it take Place in any Respect it ought to be confined to Debts due to the Inhabitants of this Province. such Creditors as are non Residents bear their Proportions of the Taxes laid in the Mother Country or the other Colonies and we share an ultimate Benefit from the Application thereof to the Defence of his Majesty's Dominions, and the Annoyance of the Enemy, the common Cause of all British Subjects; and those who have no peculiar Connections with the particular Interest of this Province but in Respect of the Debts due to them here, have a Concern or Property of too transitory a Nature to be put upon a Footing with that of the Inhabitants

U. H. J. Liber No. 35 April 18 whose Estates and Families are at Stake upon the future as well as present Safety of the Province.

p. 276 For the same Cause, we object to the Tax upon ready Money, Plate, Goods, Wares, and Merchandizes, and other personal Estates belonging to Non Residents, and for this further Reason that it would be inconsistent with the Dependance we have upon the Mother Country, and the limited Power of Legislation we derive from the Charter to impose a Tax upon all Commodities imported into this Province from England.

We object to the Tax upon Officers & whose Annual Incomes or Salaries do not exceed the Sum of £100:

The Tax upon the other Officers as well as the Clergy we have no Objection to but in Respect of the Quantum which we think in Point of Equity ought not to exceed one Third of what is imposed by the Bill, and that the same Rule ought to be observed in the Imposition upon Lawyers,' Persons practising Physic &.^c

These Persons whose Offices and Professions dye with them can't be considered as having an Interest for a longer Term than for Life, and the Tax upon them ought therefore to be in the same Proportion to the Tax upon Fee simple Estates that an Estate for Life bears to a Fee simple. /i: e:/ it ought to be one third part thereof.

We object to the Tax upon Tenants in Dower or by the Curtesy and other Tenants for Life and Annuitants, because by the Bill they would be obliged to pay for an Estate which they have not /to wit/ an Estate in Fee, and they ought not to pay but in the Proportion that an Estate for Life bears to an Estate in ffee. /: e:/ one third Part thereof.

We object to the Tax upon uncultivated Lands yielding no Profit because such a Tax would fall upon the real and personal Estates of the Owners yielding a Profit which are otherwise taxed by the Bill; we object to the Power given to Tenants to retain which is either not expressed with sufficient Precision or is inadequate to the End of giving it.

The Tenant is impowered to retain 1/: out of every 20/: Rent, should therefore the supposed Annual Value of the Land, which is to be estimated upon a Presumption that the Sum at which the Fee simple would sell would produce 5. ℔ Centum fall short of the Rent p. 277 reserved, which may be often the Case as the Value of the Fee simple is to be determined by the Assessors, the Sum the Tenant would be entitled to retain would exceed the Tax he would be liable to pay this Circumstance may arise from the Difference which may happen, between a presumptive or imaginary annual Value, and a stipulated or real one.

The Oath appointed to be taken by the Clerk of the Loan Office, in our Opinion is too comprehensive, and ought to be confined to such Matters as shall certainly be in his Power to comply with, and that his Office Bond heretofore passed /tho' there have been similar Instances, ought not, without the Consent of his Sureties to be liable for any Breach of Duty under this Bill, as it was no Part of their original Contract when they entred into the Engagement

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The Power given to the Assessors we apprehend is too extensive that it ought to be more restrained, and their Duty more certainly defined and fully ascertained than it is by the Bill.

It is directed by the Bill "that every Person or Persons that shall have any ready Money or Plate in his or their own Possession, or that of any other Person for him or them shall on Demand give a full Account to the Assessors, of the Weight of all such Plate, and the Sum or Sums of all such ready Money, under the Penalty of double the Value of the Plate or Money concealed, and that the Certificates of Assessment which shall by the said Assessors be delivered to the Commissioners, and all the Books of Proceedings of the Commissioners, and the Accounts by them settled with the several Collectors shall after such Settlement be delivered to the Clerks of the respective Counties"

Few prudent Men would chuse to publish to all the Inhabitants of the Counties they live in, or even to their domestic Servants all the Plate and ready Money they may have as they might think it too great an Encouragem.^{t} to Rapine and therefore we object to the Bill in this particular.

Altho' we agree with you in taxing the Manors and reserved Lands of the Proprietary we object to the Tax upon his Quit Rents, such a Tax was never before attempted to be imposed in this Province, and has not been established in any other Colony in North America. We are apprized of the Disputes subsisting in a neighbouring Government which have been carried so far as to render the Determination of a Superior necessary, and are now in a Course which must terminate in the Decision of his Majesty. If it could be supposed that the Governor is at large in the Matter, or that if he is not that he would disregard the Restrictions he may be under it could hardly be presumed that Lord Baltimore would submit to a Tax upon a Revenue which has not been admitted in any other Colony, and which his Lordship has so much Reason to controvert. the Quit Rents payable to him can't be thought by any one to be a Render proportioned to the Value of the Lands, and tho' it is not expressed in our Patents that we should undertake the Burthen of defending ourselves, yet it seems plainly to arise from the Nature of his Grants, and to be Part of their Consideration; that they have been thus understood by his Tenants seems to be evident from their never having made any Attempt 'till now to subject his Quit Rents to any kind of Tax, and from an express Law which passed in 1651 by p. 278

U. H. J. Liber No. 35 April 18 which it was enacted "that all Charges arising from Time to Time "by Defence of the Province against any Invasion of any Enemy, or "against any Domestic Insurrection or Rebelling against the Public "Peace of this Province or the Government established herein, and "under the Lord Proprietary and his Heirs Lords and Proprietors "of this Province by an Assessment upon the Persons and Estates of "the Inhabitants thereof" which Method of Assessment is further "explained by an Act passed in 1661, to be an Assessment ꝑ Roll "according to the usual Custom of this Province.

As this Matter has been the Occasion of much Altercation and Animosity in a neighbouring Colony /if a Right to tax the Quit Rents is claimed there/ and the Justification of the contending Parties in the Eyes of their Sovereign will greatly depend upon it's Determination, it may be inferred from the Interest concerned on both Sides that the Contest will be diligently prosecuted, and skilfully managed the Subject of it fully discussed, and the final Determination of it most suitable to the Character of a wise and equitable Judge, and as p. 279 your Claim of a Right to tax the Quit Rents in this Province must probably stand or fall by the Determination of a similar depending Case this does not seem to be a proper Season for adhering to the Claim you have lately set up, as it would imply a Supposition of the Rights being certain and established whilst it is in Issue and undetermined, besides should the Passage of it not be obstructed by any Disagreement here, & the Proprietary in Vindication of his Right dissent to the Bill which in it's Nature must be immediately carried into Execution /when notified to him the cancelling of £35000. in Circulation by the Publication of his Lordship's Dissent would prove such an Injury to many Individuals, and give such a Wound to the Credit of the Province as would not easily be repaired or healed.

We object to that Part of the Bill which impowers Tenants to recoupe notwithstanding any Covenant or Agreement to the Contrary, because we think that no Breach of any Covenant or Agreement fairly made ought to have the Sanction of a Law.

We object also for the same Reason to that Part of the Bill which enables the Debtor against his own voluntary Contract to retain against his Creditor.

The Bill directs that no Money shall be applied for or towards the Pay, Subsistence, or Support of the respective Companies until Muster Rolls and Certificates shall be returned & that the Musters shall be taken Monthly, and that the Captain shall as soon as possible after any Muster Roll shall be taken by him make Oath before one of his Lordships Justices of the Peace in Manner and Form &.^{c} and for every Neglect in any Captain to make and return such Muster Rolls he shall forfeit the Sum of £100:

There being no Magistrate beyond Conegocheague, the Captain will not be able to return any Muster Rolls 'till the End of the Campaign, and should the Troops be unhappily defeated, and some of the Captains killed or taken Prisoners they then would find some Difficulty in getting their Pay, even after the Expedition shall be over, and should the Expedition be successful, and any of the Captains wounded or on Account of Sickness obliged to remain in the Hospital any considerable Time after the Campaign, the Troops would at least be kept out of their Pay for still a longer Time after they would be disbanded and dispersed. Had the Expedition taken Place in 1756 our Forces were to have been formed and paid as the Commander upon the Expedition should have thought fit; to this Part of the Bill we therefore object for the Reasons we have given it not being intended that either of the Agents should attend the Troops upon the Expedition, it seems necessary to appoint a Paymaster.

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p. 280

Any Officer that shall have received Mony to pay a Soldier, and shall detain it a Fortnight after he shall have received it unless the Soldier be on Furlough is to forfeit the Sum of £50: this Direction we apprehend is too extensive as Emergencies may happen to put it out of the Power of the Officer to comply with it. A Soldier may be at a Distance from the Officer upon a Detachment during the Fortnight and longer: this Clause we therefore object to.

The Clause directing Informations to be filed in the Provincial Court ag:^{t} an Officer for any Breach whatsoever of the Bill may greatly harrass him and obstruct the Service, and therefore we think it ought to be—omitted.

The Troops as the Bill now stands, are to be maintained no longer than the 30.th of next September; this is too narrow and ought to extend to the End of the Campaign if the General should think fit, especially as a Surplus of the Money proposed to be raised will remain unappropriated.

The Persons to be employed in the recruiting Service should have some Reward. the recruiting Service is a very troublesome and disagreeable one and it seems reasonable and necessary to give them more than their Pain for their Trouble, if you think it practicable to raise the Men by the common Method of recruiting.

The Troops intended to be raised are to be formed into Companies but it may be more conducive to the Service to form them into a Regiment we therefore think that the Manner of forming them should be left to the Commander in Chief, and a provincial Clause for that Purpose ought to be inserted.

p. 281

We think that Part of the Bill very improper which directs that two hundred of the best Men shall be left at Fort Frederick, if any direction were necessary in this Particular it appears to us that the

U. H. J. Liber No. 35 April 18 best Men ought to be sent upon actual Service but this we conceive ought to be left to the Commander in Chief

We see no Cause for reducing the Pay of the Captains. the Provision made for the Relief of such as might be maimed or receive Hurt in the Service of the Province we think is too remote. the Pensions such Persons are to receive being by the Bill being to be raised out of the public Levy, which may not be laid for several Years after the Allowance, so that probably the Person whose Relief is intended might not have the full Benefit of it, through his Necessity to dispose of his Allowance /perhaps/ some Years before he would be entitled to the actual Receipt of it.

We object to the last Proviso in the Bill, exempting the Governor, in Respect only of his Income, as Governor, because there is the same Reason to extend the Exemption to the Profits arising from his Officers as Chancellor and Surveyor General and his personal Estate, for we think it would be somewhat absurd to subject the Effects of the supreme Magistrate to Distress, and his Person to Imprisonment.

We don't know from what Rule or Principle you have inferred so large a Capital as the Bill mentions, and confess that it very considerably exceeds any Estimate we are able to make, tho' we should include the large Debt due to Merchants in England, and other Non Residents but as this may not be very material at present, however it might be in it's Consequence, we shall not object to it p. 282 farther than to shew our Apprehension that the whole Sum of Money may not be raised even in three Years, and to intimate our Opinion that it would be proper in Order to secure effectually the Credit of the new Money, and prevent the Inconvenience which might arise from a Deficiency to give the Bill a longer provisional Continuance.

Thus Gentlemen we have frankly pointed out for your Satisfaction our most material Objections thinking it unnecessary to enumerate the consequent one's to dependent Clauses or minutely to consider and remark upon the Style or Expressions of the Bill.

It appears to us that the very extensive Mode proposed by the Bill, a Mode unexperienced, and 'til this Time unnecessary, repugnant to the Usage of this Province and unsuitable to our Circumstances, and the Detail of Duties required by the Bill necessarily multiply Officers, that those Officers ought to be rewarded equally in Proportion to the Merit of their Services, an expensive Equity being more eligible than the Oppression of any Set of Men, that the Gain expected to arise by this kind of Assessment would be lost by the adequate of those by whose Agency this Bill must be executed. That the Officers ought to be appointed by the Proprietary if any Regard is had to the Origin of our Constitution and the correspondent Usage of the Province. We presume that you would not be desirous of creating so many Dependencies upon the Governm.^{t} as would flow from the Appointment of so many Officers, nor on the other Hand ought it to be expected from us that we would concur in an Attempt to strip Lord Baltimore of his Right and vest it in your House, an Attempt which would prove as fruitless as it would be unjust, and could tend only to the Introduction of such an unsettled, and turbulent State of Things, such a Train of Confusion as ought at this Crisis particularly to be most studiously avoided by all who can see the baneful Consequences of Disunion, and are animated with a sincere Regard for the genuine Interests of their Country U. H. J. Liber No. 35 April 18

Signed ꝑ. Order M Macnemara Cl. Lo. Ho. [sic]

[The preceding line should read: Signed ꝑ. Order J Ross Cl Up Ho]

A Bill from the Lower House by Mess.rs Bracco, and Wilson, entitled, A supplementary Act to an Act, entitled, An Act for granting a Supply of £40000: for his Majesty's Service, and striking £34015.6.0: thereof in Bills of Credit and raising a Fund for sinking the same. thus endorsed.

By the Lower House of Assembly 11. April 1758. p. 283

Read the first Time and ordered to lye on the Table

Signed ꝑ Order M Macnemara Cl Lo Ho.

By the Lower House of Assembly 18. April 1758.

Read the second Time and will pass

Signed ꝑ: Order M Macnemara Cl: Lo: Ho:

Read the first Time in this House and ordered to lye on the Table

Read the first Time the Bill prepared in this House, entitled, An Act for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, and ordered to lye on the Table.

Adjourned 'till to Morrow Morning 10: o' the Clock

Wednesday Morning 19. April 1758. April 19

This House met again according to Adjournment

Present as Yesterday and Col: Lloyd

Read the second Time the Bill prepared in this House, entitled, An Act for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly. passed and sent to the Lower House by Rich:d Lee Esq.r

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: o' the Clock

U. H. J.
Liber No. 35
April 20

Thursday Morning 20.th April 1758.

This House met again according to Adjournment

Present as Yesterday

Read the Petition of the Vestrymen and Parishioners of Port Tobacco Parish. praying some further Allowance might be made to the Builder for Work done by him to the Church of the said Parish.

referred to the Consideration of the Lower House and sent by Daniel Dulany Esq.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

p. 284 This House met again according to Adjournment

Present as in the Morning

Read the second Time the Bill, entituled, An aiding supplementary Act to an Act entitled, An Act to enable the Justices of Baltimore County Court to assess & levy on the taxable Inhabitants of S.t George's Parish in the said County a Sum of Money for the Use therein mentioned. passed and sent to the Lower House by Col: Henry.

Read the second Time the Bill entituled A supplementary Act to an Act entitled, An Act for granting a Supply of £40000: for his Majesty's Service and striking £34015.6.0: thereof in Bills of Credit, and raising a Fund for sinking the same, and will pass with the following Amendments sent by Col: Goldsborough.

After the Words /a Sight of the same/ in the second Page of the Bill, insert the following Words, at the Dwelling House of the Purchaser Owner or Possessor of such Horse Mare Colt or Gelding as aforesaid /and leave out the Residue of the said Clause.

Leave out also the Proviso next following the said Clause.

Leave out also entirely the enacting Clause Pa: 3:—In the first enacting Clause in the last Page, leave out the Words /as herein before directed/ and insert the following Words after the Word recovered /viz.t/ by Action of Debt, Bill, Plaint or Information or Indictment in any Court of Record within this Province.

Adjourned 'till to Morrow Morning 10: o' the Clock

April 21

Friday Morning 21. April 1758.

This House met again according to Adjournment

Present as Yesterday

An engrossed Bill from the Lower House by Mess.rs Govane and Dorsey entitled An aiding supplementary Act, to the Act, entitled A

U. H. J.
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April 21

supplementary Act to an Act, entitled, An Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of S.^{t} George's Parish in the said County a Sum of Money for the Uses therein mentioned. thus subscribed 21: April 1758. Read and assented to by the Lower House of Assembly

Signed ꝑ. Order MMacnemara Cl Lo Ho.

Adjourned 'till three o' the Clock in the Afternoon p. 285

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. of the Clock

Saturday Morning 22.^{d} April 1758. April 22

This House met again according to Adjournment

Present as Yesterday except Col: Hammond.

A Bill from the Lower House by Mess.^{rs} Hynson and Tilden entitled, An Act to make it pœnal to forge or counterfeit the Bills of Credit of Virginia, Pensilvania New York East or West Jersies, or the three lower Counties on Delaware called Newcastle Kent and Sussex, or to utter or tender the same in Payment within this Province knowing them to be such. thus endorsed.

By the Lower House of Assembly 21.st of April 1758.

Read the first Time and ordered to lye on the Table.

Signed ꝑ Order MMacnemara Cl Lo: Ho.

By the Lower House of Assembly 22.^{d} April 1758.

Read the second Time and will pass

Signed ꝑ Order M Macnemara Cl Lo Ho.

Read the first Time in this House and ordered to lye on the Table

Adjourned till Monday Morning 10. of the Clock

Monday Morning 24. of April 1758. April 24

This House met again according to Adjournment

Present

The honourable
Benjamin Tasker Esq.^{r}
Col: Edward Lloyd
Richard Lee Esq.^{r}
Colo. Henry
Benedict Calvert Esq
Col. Goldsborough
Dan: Dulany Esq.

U. H. J. Liber No. 35 April 24 Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

p. 286 This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. o' the Clock

April 25 Thursday Morning 25.th April 1758.

This House met again according to Adjournment

Present as Yesterday with Col: Hammond & Col: Tasker.

Read the second Time the Bill, entitled, An Act to make it pænal to forge & counterfeit the Bills of Credit of Virginia Pensilvania, New York, East or West Jersies, or the three Lower Counties on Delaware called Newcastle Kent and Sussex, or to utter or tender the same in Payment within this Province knowing them to be such. passed and sent to the Lower House by Daniel Dulany Esq.r

Adjourned 'till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: o' the Clock

April 26 Wednesday Morning 26. April 1758.

This House met again according to Adjournment

Present as Yesterday except Col: Goldsborough.

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning

Adjourned 'till to Morrow Morning 10: o' the Clock

April 27 Thursday Morning 27. April 1758.

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 35
April 27

This House met again according to Adjournment.

Present as in the Morning

p. 287

A Bill from the Lower House by Mess.rs Tilghman and Reynolds entitled, An Act relating to Guardians and Orphans. thus endorsed.

By the Lower House of Assembly 22.d April 1758.

Read the first Time and ordered to lye on the Table

Signed ꝑ. Order M Macnemara Cl. Lo Ho.

By the Lower House of Assembly 27.th April 1758.

Read the second Time and will pass

Signed ꝑ. Order M Macnemara Cl Lo Ho:

Read the first Time in this House and ordered to lye on the Table.

An engrossed Bill from the Lower House by Mess.rs Mackall and Lecompte, entitled An Act to make it pænal to forge or counterfeit the Bills of Credit of Virginia, Pensilvania, New York, East or West Jersies, or the three Lower Counties on Delaware called Newcastle Kent and Sussex, or to utter or tender the same in Payment within this Province knowing them to be such. thus subscribed.

27. April 1758: Read and assented to by the Lower House of Assembly.

Signed ꝑ Order M Macnemara Cl Lo Ho.

Read and assented to by this House and ordered to be so subscribed

A Bill from the Lower House by Mess.rs Lloyd and entitled An Act for Trial of all Matters of Fact in the several Counties where they have arisen or shall arise. thus endorsed.

By the Lower House of Assembly 21.st April 1758.

Read the first Time and ordered to lie on the Table.

Signed ꝑ. Order M Macnemara Cl Lo Ho.

By the Lower House of Assembly 27. April 1758.

Read the second Time and will pass.

Signed ꝑ. Order M Macnemara Cl. Lo: Ho:

Read the first Time in this House and ordered to lye on the Table.

Adjourned 'till to Morrow Morning 10. of the Clock

Friday Morning 28: April 1758.

April 28

This House met again according to Adjournment

Present as Yesterday except Col: Hammond

The following Message with the Bill entitled, An Act for granting a Supply of £45000: for his Majesty's Service and the more imme-

U. H. J. Liber No. 35 April 28 diate Defence and Security of the Frontier Inhabitants of this Province, and emitting £35000: thereof in Bills of Credit, and raising a Fund for sinking and replacing the Whole by an equal Assessment on all Estates real and personal and lucrative Offices and Employments; is brought from the Lower House by Mess:rs Edward Tilghman and Dorsey

By the Lower House of Assembly April 27.th 1758.

May it please your Honours

[This Message is printed in full in Lower House Journal pp. 621-633]

p. 303 Read the second Time the Bill entitled, An Act relating to Guardians and Orphans passed and sent to the Lower House by Benedict Calvert Esq.r

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10 of the Clock

April 29 Saturday Morning 29:th April 1758.

This House met again according to Adjournment

Present as Yesterday

The Paper Bill, entitled, An aiding supplementary Act to an Act, entitled A supplementary Act to an Act entitled, An Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of S.t George's Parish in said County a Sum of Mony for the Uses therein mentioned is sent to the Lower House by Richard Lee Esq.r

Read the second time the Bill entitled, An Act for Tryal of all Matters of Fact in the several Counties where they have arisen or shall arise. and will not pass sent to the Lower House by Col: Tasker.

Adjourned till Monday Morning 10 of the Clock

May 1 Monday Morning 1.st of May 1758.

This House met again according to Adjournment

Present

The honourable
Benjamin Tasker Esq.r
Col: Charles Hammond
Samuel Chamberlaine Esq.r
Col: Benjamin Tasker
Richard Lee Esq.r
Bened.t Calvert Esq.r
Daniel Dulany Esq.r

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 35
May 1
p. 304

This House met again according to Adjournment

Present as in the Morning

An engrossed Bill from the Lower House by Mess.rs Williamson and Wilson, entitled, An Act relating to Guardians and Orphans. thus subscribed.

1.st May 1758: Read and assented to by the Lower House of Assembly.

Signed ꝑ Order M Macnemara Cl Lo Ho.

Read and assented to by this House and ordered to be so subscribed.

Col. Benjamin Tasker and Benedict Calvert Esq.r are sent to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House in the Upper House to see the Bill, entitled, An aiding supplementary Act to an Act entitled, A supplementary Act to an Act entitled, An Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of S.t George's Parish in said County a Sum of Money for the Uses therein mentioned, passed both Houses this Session receive the Assent.

The Lower House attend, and his Excellency passes the aforegoing Bill into a Law, by sealing it with the Right honourable the Lord Proprietary his great Seal at Arms, and subscribing it on Behalf of the Right honourable the Lord Proprietary I will this be a law.

Adjourned 'till to Morrow Morning 10: of the Clock

Tuesday Morning 2.d of May 1758.

May 2

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess.rs Waggaman and Tilden, entitled, An Act for reducing the Allowances of the Councillors Deputies and Delegates that shall serve in the General Assembly the Judges of the Court of Appeals, and the Commission.rs of the Provincial and County Courts of this Province, for ascertaining the Allowances of the Clerks and other Officers, of both Houses of Assembly and securing the Independency of the said Deputies, and Delegates, and other Purposes therein mentioned. thus subscribed.

By the Lower House of Assembly 10. April 1758.

Read the first Time and ordered to lye on the Table.

Signed ꝑ. Order M Macnemara Cl: Lo: Ho:

U. H. J. Liber No. 35 May 2 p. 305 By the Lower House of Assembly 12.th April 1758.

Read the second Time and will pass.

Signed ꝑ. Order M Macnemara Cl Lo Ho.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10: o' the Clock

May 3 Wednesday Morning 3d May 1758.

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess.rs Tilghman and Woodward entitled, An Act for the Relief and Relief of poor distressed Prisoners for Debt thus endorsed.

By the Lower House of Assembly 1.st of May 1758.

Read the first Time and ordered to lye on the Table

Signed ꝑ: Order M Macnemara Cl Lo Ho

Read the second Time and will pass.

Signed ꝑ Order M Macnemara Cl Lo Ho.

Read the first Time in this House & ordered to lye on the Table.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message is brought from the Lower House by Mess.rs Lloyd and Wilson with the Bill entitled, A supplementary Act to an Act entitled, An Act for granting a Supply of £40000: for his Majesty's Service, and striking £34015.6.0: thereof in Bills of Credit, and raising a Fund for sinking the same

By the Lower House of Assembly May 3.d 1758.

May it please your Honors.

We have considered the Amendments proposed by your Honours to the Bill, entituled, A supplementary Act to the Act entitled, An p. 306 Act for granting a Supply of £40000: for his Majesty's Service, and striking £34015.6.0. thereof in Bills of Credit, and raising a Fund for sinking the same, and altho' they do not seem to us in any

Sort material or necessary, yet in Order that a Bill so beneficial to the Province may not be lost we have agreed to the first four of your Amendments, but cannot consent to the Mode of Recovery of the Fines and Penalties imposed by the Bill, as the Method imposed by your Honours will be attended with considerable Expence and great Delay, discourage Persons that otherwise might be induced to inform if the Recoveries could be obtained with more Ease and Dispatch, and consequently defeat the End proposed by the Bill

U. H. J.
Liber No. 35
May 3

We hope therefore that your Honours will recede from that Amendment which if you do the Bill with the others will pass our House for engrossing.

Signed ℘. Order M Macnemara Cl. Lo: Ho:

Adjourned 'till to Morrow Morning ten of the Clock

Thursday Morning 4th of May 1758: May 4

This House met again according to Adjournment.

Present as Yesterday

The following Message with the Bill, entitled, An Act for granting a Supply of £45000: for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and emitting £35000: thereof in Bills of Credit and raising a Fund for sinking and replacing the Whole by an equal Assessment on all Estates real and personal and lucrative Offices and Employments is sent to the Lower House by Richard Lee Esq.r

By the Upper House of Assembly 4. May 1758.

Gentlemen

The Reason you give to vindicate the Style of the Preamble of your Bill is not satisfactory to us, because there is not that exact Analogy between the Constitutions of this Province and the Mother Country which you would take for granted the Weight of precedents urged in Support of the Priviledge claimed by the House of Commons in Respect of Mony Bills can't be pretended to by your House, on the Contrary the Number and Weight of the Precedents here are too clearly against you to be controverted. That Money Bills have taken their Rise in the Upper House, that they have been framed in a Committee composed of the Members of both Houses, and that they have been amended by us we presume need not be proved.

We do not claim our judicial Power because we are a mediate Branch of the Legislature but because it is conferred upon us by an Act of Assembly constituting the Members of the Upper House Judges of the Court of Appeals were there not such a Source of the judicial Power we exercise we are inclined to think that you would not admit a Right to it deduced only from a supposed Analogy p. 307

U. H. J. Liber No. 35 May 4 The Power you claim of nominating Commissioners which you would support by the Land Tax Acts, we have disputed, and will not suffer you to exercise.

In the Poll Bills which passed in England before 1.st W: & M: the Comm.rs in Respect of the Estates of Peers were appointed by their Lordships particularly in the 29.th of Car: 2:d the last Bill of that Kind which happened before 1:st W: & M: Tis true that in the 1:st W: & M: no such Power was given to, or reserved by the Peers which as it appears from the parliamentary Proceedings of that Time happened thro' their Inadvertency occasioned by the hasty Passage they gave the Bill which the King was extremely sollicitous about, and urged them to dispatch, but the Commissioners named in this Act of Parliament were appointed by the Crown after the Royal Assent had been given to this Statute and in the same Session an additional Poll Bill was sent from the Commons to the Lords which they returned with an Amendment to enable them to appoint Commissioners to rate themselves under the original Bill; but this Amendment not being agreed to by the Commons became the Subject of some Conferrences between the two Houses, the Peers asserted that their Right was founded upon constant Usage which does not appear to have been denied by the Commons whose principal Reasons for not admitting the Amendment were that the additional Poll Bill taxed none but Commoners, and that if no Commissioners had been named they would have agreed to their Lordship's present Demand, rather than their Lordships should not be taxed but that any Alteration then would go a great Way to repeal the Act when the Commissioners might be probably entered upon their Office, and were already taxing their Lordships or at least would soon do it if the Amendment was not admitted: As the Commons would not admit the Lords to retrieve their Right in the Manner they proposed the Lords in Resentment rejected the additional Poll Bill

The Commissioners we have said named in this Statute were p. 308 appointed by the King and the same Commissioners were by Reference appointed in subsequent Acts, but if the Commons have been allowed to name Commissioners in the Manner you seem to imagine, can it therefore be inferred with any Degree of Propriety that you ought in Point of Right to demand the sole and exclusive Authority to nominate Commissioners, when these Commissioners are to be vested with so great Power over the Estates of the Proprietary and the Members of the Upper House as well as of every other Subject, and not one Instance from the first Settlement of this Province that we know, or have heard of can be adduced to countenance your Claim? or can it be said that when a free Grant of Money is made to the King by his Subjects from a Principle of Affection to his Person and Government, it would be of that Consequence to the Crown /supposing the Commons have always nominated Comm.rs

U. H. J. Liber No. 35 May 4

which is not true in Fact/ to permit them to name Commissioners it would be to the Proprietary whose Estate you would tax in the same Manner with any other Subjects? or can it be imagined that the Peers of England would consent that Commissioners should be appointed to rate their Estates to the utmost Penny by a House of Commons who had before doubted at least their Existence as a Branch of the Legislature?

We don't know how far we may be contemned by the Commissioners named in your Bill for our Observation " that those who derive a Power from the Act of another will naturally think themselves peculiarly accountable for their Conduct to their Constituent " nor were we induced to make it from any personal Dislike to the Gentlemen named, many of whom are Strangers to us, but if these Gentlemen are really as much inclined to express their Contempt as you are for them we should afford them a better Pretext for it by suffering you to usurp an Authority over our Properties. If the Land tax Acts were to be admitted in the Extent you have asserted yet we think that the Right in the Proprietary to nominate all Officers whatsoever civil or military, and the respectable Opinion of Lord Chief Justice Willes would not be invalidated by your Reasoning

You ask, what Argument can be drawn from his Lordship's Charter? will it be contended that the King has granted by that Charter a Power which the Crown does not exercise, or even attempt to exercise? and then you conclude " that surely it will not be contended; for his Lordship's Power by the Charter to appoint Officers can't be greater than from whence it is derived, and never could be intended to extend to Officers of the Kind nominated in your Bill " p. 309

Now this Matter which appears to be so indubitable to you, appears in a very different Light to us, and permit us in our Turn to ask you a few Questions.

Whence do you derive the Power of making Laws but from the Charter? will you not contend that the King granted a Power by the Charter which the Crown does not exercise or even attempt to exercise? whence would you derive the Power you now assume to appoint Commissioners? Do you claim it from Usage? you can't cite one Instance. Do you claim it under any and what Act of Assembly? you can't produce one. Do you derive it from the Charter with the Power of Legislation? By your own Argument you can't. The Perplexity you must be involved in by not attending to the true Origin of our Constitution ought to recommend that as much to your Consideration as the Learning of Land Tax Acts

All the Power as we apprehend that we have or can exercise flows from the Charter, and Power when granted should be exercised according to the Restrictions and Limitations imposed by the Grantor.

If the Crown could by the Charter confer a Power of making Laws, the Crown it should seem could restrain or modify it, and

U. H. J. Liber No. 35 May 4 what may be done in another Colony is no Authority for our doing it here, unless our Circumstances and Constitution of Government are similar

Altho' we presume Lord Baltimore might not at this Crisis insist upon what he seems to be so well intitled to, and might rather chuse to waive it now than obstruct his Majesty's Service by strictly adhering to his Charter, yet so far as he is immediately concerned in point of Property in the Execution of the Bill you have proposed, he will without Doubt expect as in all Reason & Justice he ought to have the Nomination of such Commissioners as would have any Power to rate his Estate, and upon the same Foundation We expect the same, and without Reserve declare to you that we never will consent to any Bill to affect our Estates without having an equal Share with yourselves in the Nomination of Commissioners.

p. 310 We do not desire that the Estates of the People may be taxed by Officers deriving their Power from the sole Nomination of Lord Baltimore nor by any Officers vested with the Powers given by your Bill. We think that the old Method of taxing wo.^{d} be attended with the most Ease and Convenience and the least Expence and Influence but if you will essay another Method we shall not object to it merely because we dont think it the most eligible, however we can't but observe that when the Allowances of 14/: & 15/ ꝑ Diem to the Members of the general Assembly are to be paid we have heard of no Objection to the Propriety Convenience or Equality of the old Mode of taxing, and that in Order to avoid a Poll Tax and essay another Method so much Time has been spent as can't but prove detrimental to his Majesty's Service, should this Province at last not be distinguished from every other Colony by a Refusal to contribute any Thing to forward it, and cost your Constituents /to speak greatly within Compass/ at least an eighth Part of the Sum proposed to be granted, and that Sum too will be raised by the old Method of Poll Tax

You have bestowed the contemptuous Epithet " trifling " upon our Objection to the very scanty Reward you had given to the Commissioners of the Loan Office. We alledged that the Officers appointed by the Bill ought to have Rewards proportioned to their Services the Trust reposed in them, and the Trouble attending the Execution of it, and that whether these Services are added to Duties incident to a previous Appointment made by the Government or constitute the whole Duty of the Officers intended to be originally created by the Bill," and then we shewed that these Rules had not been observed by the Bill

Our Position you do not seem to deny on the Contrary you say " that these Officers ought to be equally rewarded in Proportion to the Merit of their Services "

Had this Admission not been postponed to the Clause, in which for want of a better Answer you have charged us with Unfairness, it might perhaps have prevented it, for it is not easy to conceive how any one who would admit our Position could dream of accusing us of Disingenuity, because we enumerated as you allow, the Services required of the Commissioners, and exactly set down the Reward given them, and then by comparing their Services and Reward with the Services and Reward of the Agents concluded that the Rule we had laid down had not been regarded

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p. 311

But you are pleased to say " that the Commissioners of the Loan Office, under the first Paper Currency Act receive a Salary of eighty Pounds ꝑ. Annum by the £40000 Act they have an Addition of £10: ꝑ Annum and that they are assisted by a Clerk who has also the same Salary "—tis very true they have, & 'tis as true that they deserve every Farthing of what they are entitled to by the Services they perform under those Laws, and we are apt to think You would be of that Opinion were you in their Situation how light so ever you may make of the Merit of these Gentlemen who have given a large Security for the due Execution of the Trust reposed in them, and are by the necessary & troublesome Duties of their Station obliged to employ so much of their Time in the Service of their Country.

That the Commissioners of the Loan Office will have more than twice the Trouble in performing the Services required by the Bill that would fall upon the Agents, that the Trust reposed in them is much more considerable and important than that which you place in the Agents, and that the Reward to each Agent is above 33: Times greater /allowing the same Sum to the Agents for employing a Clerk that you do to the Clerk of the Commissioners for his Trouble under this Bill/ than that which is given by the Bill to each of the Commissioners you must admit; wherefor it appears to Us that your Partiality is not to be palliated, and our Objections remain unanswered.

We are not in the least afraid that our Objection will appear in the Light you would wish it to do, and tho' you endeavour to give an ill Impression of it by giving it a hard Name when you have not been able to answer it, we are inclined to think that the Resentment you have expressed will appear to all sensible and impartial Persons /who must see and think that we could not have proceeded with more Candour in stating our Objection than in the Method we took of using your own Words without Addition or Diminution/ to have been excited by our full Detection of this very great Partiality in your Bill: But the Agents it seems are to employ a Clerk to assist them in their Duty, it is very probable they will, and 'tis as certain that if they do they will be eased in the principal Part of their Business, that of keeping regular Accounts, but let us suppose that the Clerk of the Agents will expect a Salary equal to the Reward given

p. 312

U. H. J. Liber No. 35 May 4 by the Bill to all the Commissioners of the Loan Office and their Clerk, yet the Agents when that is paid will each of them receive more than thirty one Times the Reward given by your Bill to each of the Commissioners of the Loan Office.

The Pretence you have thought of for oppressing the Commissioners of the Loan Office will hardly be insisted upon to justify your Attempt to oppress his Lordship's Agent; he is a private Officer appointed by Lord Baltimore and paid by his Lordship out of his Revenue; that the Services required of him under a Penalty would be attended with much Trouble you cannot but suppose.

Part of several of his Lordship's Manors and reserved Lands are under Patent upon the common Terms; the Quantity under this Circumstance can't be ascertain'd but with much Trouble and some Expence

The Duties required of the Receivers of his Lordship's Quit Rents in our Opinion are so far from being compensated by the 40/. Reward, that we think no Person not compelled by the Severity of Penalties would undertake them for five Times that Sum, and we are not convinced that you have any more Authority too exact by pænal Provisions, Services from the private Officers of the Proprietary, appointed by him to manage and collect his Revenue, than you have to compel the Services of the Agent or Factor of any private Person

We have not said that the Allowance to the Commissioners of the Land tax is extravagant, nor do we think the Commission of the Agents, exceeds the Merit of their Services, what we remarked was that the Rewards given to the Persons who had been appointed by the Government or employed by Lord Baltimore in the Affairs of his Revenue were inadequate, and by a fair Comparison we undertook to shew that the Bill was extremely partial to the Persons you had assumed the Power of nomination.

If the Office of Sheriff is more lucrative than it ought to be, p. 313 it arises from the Commission allowed him for the Services he does for private Persons & who ought therefore to be relieved by a Deduction of the Commission if it is too high, we suppose the Commission of 6: ꝑ Cent given to the Sheriffs by Act of Assembly was not with a View of taking from private Persons more than the Services done for them deserved, that thereby the Sheriffs might be enabled to perform Services for the Public at a less Rate than they are really & independently considered worth/ if such a View was entertained it can't be defended, and such a Regulation ought to take Place as may apportion the Commission of Sheriffs to their respective Services

Without Doubt as you have observed, a Sheriff may execute the Office of Collector with less Trouble and Difficulty than any other

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May 4

Person, but will you thence infer that he would chuse to undertake it under the Strictnesses you have imposed for two ꝑ Cent.

It is notorious that if every Sheriff was rigorously to execute his Office it wo:^{d} prove extremely distressing to a great Number of People, and that every good natured Man in this Office is obliged to give such Indulgencies to the People as are attended with no small Risk to himself; the Salary paid by Lord Baltimore to the Sheriffs for collecting his Quit Rents /by which his Lordship has saved the Commission of 5. ꝑ. Cent and not 10: ꝑ: Cent. as you say/ has been a considerable Saving to his Lordship; but is your Inferrence just, that because the Sheriffs are his Lordship's Collectors for a Commission of 10 ꝑ. Cent. which is more considerable than they receive from any other Person, which in no Instance exceeds 6: ꝑ. Cent. he ought to receive only a Commission of two ꝑ: Cent. for executing the Duty of a Collector under your Bill which would be attended with more Trouble & Risk? A Sheriff can hardly be liable to the Proprietary for any Rents due from his Tenants which he has not a Security for/ we mean the Land chargeable with the Rent, but that can't be said in Respect of the Tax upon Chattels which may be removed or disposed of before the Sheriff can conveniently execute.

Upon the Whole Gentlemen, tho' we will not consent to establish the Partiality introduced by your Bill, yet it is as far from our Inclination as from our Interest to give extravagant Rewards to any Persons who might be employed in the Execution of it, which you know would be as burthensome to us as any others who might be p. 314 affected thereby

Tis true that the Commissioners of the Loan Office were contrary to the established Usage directed by the £40000: Act to put in Suit the Bonds of some Defaulters, and when we see that when the Exercise of a Power has been permitted in any Instance of little Consequence this Permission is set up as a Precedent surely we can't be blamed for endeavouring to bring Things back to their former Establishments.

Any proper Precaution to prevent the public Moneys sinking in the Pockets of Collectors and to compel the speedy Payment thereof that it may be applied to the public Service it is our joint Interest to promote, and we think it would be a prudent Regulation to direct the Commissioners of the Loan Office to return the Names of all Defaulters to the Governor that their Bonds may be sued by his Order when it may be expedient, and that without any public Application to his Excellency for the Purpose; this Method will answer the Design you mention, be more agreeable to the Usage of the Province and as those whose Bonds will be liable to be put in Suit must be charged at all Events with Costs, Mistake and Partiality ought to be strongly guarded against

U. H. J. Liber No. 35 May 4 We are good Deal surprized at the Answer you have given to our Objection to that Part of your Bill relating to the Application of the Sum of £2500:

By the plain and express Words of the Bill you are appointed the sole Judges of the Allowances to be made to such Persons as have been put to an Expence in providing Necessaries for his Majesty's Troops in their Winter Quarters

You are pleased to assert that you have made the constant and uninterrupted Usage of this Province the sole Rule of your Conduct.

We presume you dont mean that you are by any Law of this Province the sole Judges of all public Allowances, a Clause of the same Nature with this was inserted by the Lower House in a Mony Bill upon a former Occasion, but it was objected to here and amended by substituting the Words General Assembly in the Place of the Words Lower House before it passed into a Law.

That Claims of every Denomination against the Public have been laid before considered and adjusted by the Lower House only, we deny and are at a Loss to conceive upon what Foundation you have made this Assertion, many Petitions of Claimants upon the Public p. 315 have been preferred to the upper House in the first Instance, and many Allowances have been made and insisted upon by the Upper House which the Lower House had not considered, or had rejected & very few Journals of Accounts have passed for many Years back without the Insertion of some Claim which the Lower House had not considered or disallowed before we proposed it.

Tis very true that we have seldom disallowed any Claims you had before admitted your extreme Caution and Frugality in these Matters having generally made it unnecessary, but that we have always had a Power to consider and examine all public Claims when we thought proper can't be disputed and we presume that because your extreme Frugality has made a nice Examination of all the public Accounts unnecessary we ought not therefore in Prudence to put it in your Power to allow or disallow what you please without Controul:

You observe further that the Sanction and Aid of the Legislature must be had in this Instance before the Claimants can be paid their respective Allowances and you intended to send us a Bill for that Purpose as soon as this should pass What you intended to do we did not know but had you executed that Intention where would have been the Difference? could we have dissented to the additional Bill for any thing you might have done in Pursuance of an Authority we had before by the original Bill consented to vest in your House? Could we have said that we would not pass the additional Bill because the Allowance to one was too little or to another too much, when you had been appointed sole Judges of the Quantum? what more then did you intend we should do by your plan than necessarily and blindfold give a mere passive Sanction to your Proceedings? we must add to what has been said that if you would have been prepared to send up to us an additional Bill as soon as the Original passed we can see no good Reason why the Provisions intended by your additional Bill could not have been inserted in the Original and thereby made subject as well to our as your Determination. U. H. J. Liber No. 35 May 4

Our Objection to the Narrowness of your Exemption of Persons to be Assessors it seems has but little Weight with you because you think there is little Probability of the Persons we would have exempted being appointed Now we are persuaded that there is as much p. 316 Probability, at least, that these we have added might be appointed as the Members of the Upper and Lower Houses of Assembly and Persons practising Law and Physic the only Persons included in your Exemption and that therefore there is the same Reason for having no express Exemption as for not extending it.

What we meant by Persons under like Circumstances were such as are within the Reason of an Exemption for Instance the Judges of the Land Office and other Officers and Ministers and Persons employed in Furnaces & Forges.

As to the double Tax upon Nonjurors which it seems you are now willing to put upon a different Footing than it was by your Bill, you have made it necessary for us to consider it more fully than we did in our former Message, as well to explain the Motives of our former Conduct & vindicate it against your Assertions as to shew that your Attempt was inconsistent with Justice and Humanity.

The Papists Gentlemen are so far the principal Objects of our Regard as your Design is to address them by the Measure you would introduce, and we do most sincerely declare to you that any Men let their Persuasion in religious Matters be what they will in the same Circumstance with the Papists would be as much the Objects of our Regard as they are, and that popular Applause to be purchased by the inhumane Act of wantonly persecuting any Christians, nay any Infidels we not only do not desire but abhor, and shall despise any Calumny for not doing what our Consciences forbid us to do.

What you mean by waving your undoubted Right we can't comprehend; is it your undoubted Right to banish them because they are obnoxious to you?

The double Tax upon Nonjurors in the Act for granting £40000: you were gratified in, at the Time that Act passed it was not apprehended it would be so considerable as it is likely to prove: this double Tax amounted only to 1/: ꝑ. 100, Acres of Land, & tho' it was thought of trifling Consequence at that Time the Act passed, it met with great Difficulties, and those Gentlemen by whose Concurrence it was established can satisfy you that if they had perceived it was

U. H. J. proposed as a Step to your present attempt, you would not have the
Liber No. 35 Opportunity of mentioning it now: We could put you in Mind
May 4 p. 317 that it is not long since the Lower House shewed no Disposition to
harrass these People.

We observed in our Message "that the first Settlement of this Province was made by Roman Catholics who had been driven from their native Country by the Severity of it's Laws, & that after the Services these People had done in extending the Dominion of the Crown and had been promised and allowed an Asylum here, an Act of the Legislature which would have the Effect of banishing their Posterity when it can't be pretended that it is necessary such an extreme Measure should take Place, could not be defended upon any Principle of Justice or Policy."

You have been pleased to remark upon this Passage of our Message that you have not been able to discover any Thing in History or otherwise to justify or countenance our Assertion that the Papists were promised and allowed an Asylum here. "it may be so, but it is not our Fault that you have not, and to be plain with you we should have been restrained from telling you what you have been pleased to acknowledge by the Apprehension of it's giving Offence, however as you have desired to have this Matter explained to you and we flatter ourselves it may have some Effect, we shall undertake to do it in as full a Manner as the Shortness of the Time will admit.

This Province was granted by Charter to Cecilius Lord Baltimore the 20:th of June 1633: [sic; 1632] who was then a Roman Catholic. the Charter recites that Lord Baltimore Patris inhærens vestigiis laudabile et pio Christianæ Religionis pariter et Imperii nostri Territoriæ dilitandi studio flagrans Licentiam suppluaverit &c"

The granting Clause begins thus "Sciatis igitur quod nos pium et nobile Presatorum Baronum de Baltimore propositium et studium Regis Favore prosequentes concedimus &c"

After the Charter was thus granted to Lord Baltimore who was then a Roman Catholic his Lordship emitted his Proclamation to encourage the Settlement of his Province promising therein among other Things Liberty of Conscience and an equal Exercise of Religion to every Denomination of Christians who would transport
p. 318 themselves to and reside in his Province and that he would procure a Law to be passed for that Purpose. afterwards, the first or second Assembly that met after the first Colonists arrived here some Time in the Year 1638 a perpetual Law passed in pursuance of his Lordship's Promise, and indeed such a Law was easily obtained from those who were the first Settlers. this Act was confirmed in 1640: and again in 1650. By this Act it was Enacted "that whatsoever Person or Persons should upon any Occasion of Offence or otherwise in a reproachful manner or any way declare call, or denominate any Person or Persons, inhabiting or residing, trading,

or commercing within this Province a Heretick Schismatic Idolater, Puritan, Independent, Presbyterian, Popish Priest, Jesuit, Papist Lutheran Calvinist Annatapist, Brownist, Antinomian, Barrowist Roundhead Separatist or any other Name or Term in a reproachful Manner relating to Matter of Religion shall for every such Offence forfeit and lose the Sum of 10s: Sterling. And whereas the enforcing of Conscience in Matters of Religion hath frequently fallen out to be dangerous in those Commonwealths where it has been practised, and for the more quiet and peaceable Government of this Province, and the better to preserve mutual Love and Unity among the Inhabitants, it is enacted that no Person or Persons within the Province professing to believe in Jesus Christ shall be any way troubled, molested, or discountenanced, for or in Respect of Religion, nor in the free Exercise thereof.

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There being some Disturbance in this Province in the Year 1652. the Protector in Nov.^{r} 1655. upon the Representation of the Proprietary directed the Commissioners Whitlocke and Widdrington to enquire into the Cause and Circumstances of it, who having made their Report, that was referred to Committee for Trade and Plantations, and some Proposals having been made also to settle the Peace and Tranquility of the Province, the Whole fell under the Consideration of the Committee and after their Report the Protector in October 1656: sent in his Instructions to the Government here by which he strictly enjoined the Observance of the above recited Act concerning Religion

In the Year 1657. Lord Baltimore made the following Declaration, that he never would give his Assent to the Repeal of the Act concerning Religion by which all Persons professing to believe in Jesus Christ should have Freedom of Conscience which was confirmed by Act of Assembly. Part of the Oath directed to be Taken between 1636. and 1657. by the Governor and Council was in the following Words "I will not by myself or any other Person directly or indirectly trouble, molest, or discountenance any Person whatsoever professing to believe in Jesus Christ for or in Respect of his or her Religion, nor in the free Exercise thereof so far was the Oath common to both Governor and Council, but the Governor's proceeded farther "that he would make no Difference of Persons in conferring of Offices, Rewards, or Favours proceeding from the Authority his Lordship had conferred upon him for or in Respect of their Religion, but merely as he should find them faithful and well deserving and to the best of his Understanding endued with moral Virtues and Abilities fitting, wherein his principal Aim should be sincerely the Advancem.^{t} of his Lordship's Service, and the public Unity and if, any Officer or Person should molest or disturb any Person professing to believe in Jesus Christ merely for or in Respect of his or her Religion or the free Exercise thereof he would upon Notice apply

p. 319

U. H. J. Liber No. 35 May 4 his Authority to relieve and protect the Person molested, and cause the Person offending to be punished:

The Oath of Fidelity taken by the Inhabitants of this Province in Virtue of an Act which passed in 1650: was to the following Effect "I will maintain to the utmost of my Power his Lordship's just and lawful Rights &c: as granted to his Lordship in his Patent under the great Seal not being any way understood to infringe or prejudice Liberty of Conscience in Matter of Religion

The Grant to Lord Baltimore who was a Papist, his Lordship's Promises & Declarations, the Confirmations of them by Act of Assembly, and the Oaths we have recited, we hope will amply justify our Assertion that the Roman Catholics were promised and allowed an Asylum here.

As you have been pleased to say that you have not discovered any Thing in History or otherwise to countenance our Assertion we shall mention some Passages from Books for your Satisfaction tho' we must observe to you that Writers may be mistaken or misrepresent, but the Evidence we have produced can't mislead.

M.r Bowen speaking of Maryland says, "the first Colony sent to Maryland was in the Year 1633. and consisted of two hundred People, the Chief of these Adventurers were Gentlemen of good Families, p. 320 and Roman Catholics for Persons of that Religion being made uneasy /as well as protestant Dissenters/ they transported themselves to this Province hoping to enjoy there the Liberties of their Conscience under a Proprietary of their own Profession as the then Lord Baltimore was. King James 2:d before the Revolution intended to take from the Proprietary the Power of appointing a Governor being instigated thereto by Father Peters which seems something surprizing since Lord Baltimore was of the same Religion with himself, but it must be observed that Lord Baltimore, tho' a Roman Catholic, had been so moderate or so politic as to grant full Liberty of Conscience to all those who should settle in Maryland." so far Bowen.— Ogilby in treating of this Province says "that Maryland at the vast Charge and by the unwearied Industry and Endeavour of Lord Baltimore was at first planted, and hath since been supplied with People and other Necessaries so effectually, that in the present Year 1671: the Number of English amounts unto 15: or 20,000: for whose Encouragement there is a fundamental Law established there whereby Liberty of Conscience is allowed to all who profess to believe in Jesus Christ so that no Man who is a Christian is in Danger of being disturbed for his Religion." Morden upon the same Subject says, "that the Peopling and Trade of the Province of Maryland by the vast Expence and Industry of the Lord Proprietary hath been improved to that Height; that in 1670: there were reckoned near 20000 Inhabitants & that which keeps them together in the greatest

Peace, and Concord is the Liberty of Conscience to all who profess to believe Christianity, so that every one lives quietly and peaceably with his Neighbour neither molesting or being molested for Difference of Judgment in Religion.—Doctor Douglass upon the same Subject says "that towards the End of King James 1.st Reign Sir G Calvert principal Secretary of State afterwards Lord Baltimore obtained a Patent for some Fishing Harbours in Newfoundland by reason of the civil Troubles in England these Settlements were discontinued, and being a zealous Roman Catholic with other dissenting Zealots of various Sectaries he left England, and went to Virginia" U. H. J. Liber No. 35 May 4

The same Author again "upon a Royal Proclamation in Virginia several Families went over from England to settle there, among those was Lord Baltimore a rigid Roman Catholic for the advantage of his Religion he retired thither, but being ill used by the Church of England Sectary petitioned for a Grant of the Province of Maryland. In the first two Years says the Author in another Passage it's said this Settlement cost Lord Baltimore £40000 Sterling by bringing over People, Provisions, &c."—Again "By an Act of Assembly for Liberty of Conscience to all Persons who profess Christianity Protestant Dissenters as well as Roman Catholicks were induced to settle there." Salmon in his modern History says "that Lord Baltimore having obtained a Grant of the Province of Maryland sent over his Brother with several Roman Catholic Gentlemen & other Adventurers to the Number of two hundred, many Roman Catholics transported themselves thither to avoid the pænal Laws made against them in England, and Maryland has been a Place of Refuge &c:" many other Passages from Books to the like Effect might be cited but we presume they would be unnecessary. p. 321

This Imposition it seems you did not apprehend and have been opposed at this dangerous Crisis when a foreign Popish Power is exerting it's utmost Efforts to subject the British Colonies in North America to Popery and Slavery. Do you mean by this that a Measure which would have the Effect of banishing the Roman Catholics ought at this Time to be established, or that a double Tax upon them will make them more peaceable or better affected to our Interests? if the former be your Meaning you are already answered; if the latter, it is such an Expedient as seems to be but ill calculated to accomplish the End you propose Hardships & Severities are not so apt to inspire peaceable Sentiments as Mildness or Moderation, which in it's Nature is more conciliating and attractive of Affection and may strengthen Inclination with the Motives of Duty and Interest.

That the Roman Catholics have from the Beginning of this War behaved in a very quiet and inoffensive Manner will not we presume be denied, if it should be, not one Proof that we know or have heard of can be produced to the Contrary and very ample Testimonials in their Favour to which you can be no Stranger may be urged.

U. H. J. Liber No. 35 May 4 You have been pleased to propose the Oaths of W & M which you apprehend to be such a Test as can't be thought unreasonable, and a Refusal to take them would be in your Opinion a glaring Proof of Disaffection, if your Intention is to oblige the Roman Catholics and others to give a reasonable Assurance of their Loyalty we flatter ourselves an Agreement between us upon this Head may be easily effected; we shall therefore take the Freedom to propose such an Oath as no religious Consideration will hinder quiet and peaceable p. 322 Subjects from taking and which will give as ample an Assurance of their Fidelity as can be reasonably desired the Oath we propose is this. "I, A: B: do sincerely promise and swear that I will be faithful and bear true Allegiance to his Majesty King George the second, and I do swear that I will to the utmost of my Power support, maintain, and defend his Majesty King George the second, and I do swear that I will to the utmost of my Power support maintain and defend his Majesty King Geo: the second & I do swear that I will to the utmost of my Power support, maintain, and defend his Majesty King George the second's Dominion in and over the Province of Maryland against all Persons whatsoever, and that I will disclose and make known to the Governor or Commander in Chief in and over the said Province whilst I shall be Resident therein all Treasons, and traiterous Conspiracies and Attempts whatsoever which I shall know to be against his Majesty King George the second. So help me God. What is done in England may be and indeed is in many Instances very unsuitable to the Circumstances of a young Country and there can be no Necessity of proving that an Indulgence, and Toleration of all Christians here not allowed in the Mother Country may be for our Interest and that of the Mother Country—If the Example of the Mother Country in the Article of Religion were to be imitated in the British Colonies. in North America what infinite Confusion would there be!

We have not objected to the Tax upon Debts due to Persons Resident in this Province or the Liberty given to Debtors to retain, our Objection to the Clause relating to Debtors and Tenants was, and still is, that no Breach of any Covenant or Agreement fairly made, ought to have the Sanction of a Law.

As it seems you look into the Land Tax Acts, it is a little extraordinary you did not observe that wherever a Power to retain is given by them there is an express Saving of Covenants and Agreements to the Contrary

There have been many different Modes of raising Money in England as they have been thought suitable to the Exigency of Affairs, and the Circumstances of the People, and if the Citation of an Act of Parliament would be a sufficient Reason for imposing a particular Tax it might be contended that all Esquires and reputed Esquires, all

Gentlemen and reputed Gentlemen and many others who are not included in your Bill ought to be taxed

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We still think that our Objection against the Tax upon Debts due to Non Residents and their Effects, and all Goods Wares and Merchandizes imported into this Country from England is well founded. As to your Argument that the Imposition of the Tax will not diminish the Importation of the Commodities of the Mother Country or interfere with her Trade, it does not satisfy us, for tho' perhaps the Tax might not, and the whole Burthen would fall upon the People here which we think it certainly would, yet it can't but be apprehended that such an Imposition would give some Cause of Jealousy be deemed to be inconsistent with our Charter and dependent State, and that it would be thought a prudent Measure in our Superiors to check in the Beginning any the least Step that might tend however remotely to affect the Trade of the Mother Country. p. 323

Your Proposition of a Repayment to Non Residents upon proper Certificates being produced that a Tax had been paid in the Mother Country or any of the Colonies does not obviate our Objection. A Person who has Goods Wares and Merchandizes here may be taxed in the Manner we have intimated without being able to produce such a Certificate and we can't but remark that altho' you seem to take it for granted in the Scheme of your Bill that the Acts of Parliam.^{t} are executed in England with the Strictness that your Bill would be if passed into a Law, in this Instance suppose the Acts of Parliament are not executed so strictly, for if you thought they were, you would be of Opinion that these Words of the Act of Parliament "Be it Enacted that every Person having any Estate in ready Mony, or in any Debt whatsoever owning to them within Great Britain or without, or having any Goods Wares Merchandizes or other Chattels, or personal Estate whatsoever within Great Britain or without" would be sufficient to shew that Persons living in Great Britain are taxed there for their Credit and personal Estate here.

We have not proposed a Tax upon Mechanics, nor do we desire that it should take Place, We have said that such Officers as have not greater Incomes than Mechanics ought no more to be taxed than Mechanics. those Officers would be taxed with others for all their real and personal Estates and this we thought and still think would be sufficient

As you assign no other Reason for insisting upon the Tax upon Officers and the Clergy than that it has been imposed in England, we hope you'll not any longer insist to carry it into Execution further than we are willing to admit—If by your Assertion that they have been taxed in the same Manner in the Land tax Acts, you mean that they have been included in some Land tax Acts we admit it, and so have many others whom you have not included, but if you mean that all Officers and the Clergy of England have been taxed always p. 324

U. H. J. Liber No. 35 May 4 or in the Land tax Acts which have passed in the present Reign in Respect of their Incomes arising from their Offices and Benefices we deny it, and you'll find that we have Reason for denying it if you'll look into these Acts, nor can we see any Reason for an Imposition of an heavier Tax upon Officers and Clergymen than upon Lawyers and Physicians.

The Objection we made to the Tax upon Tenants in Dower or by the Curtesy, and other Tenants and Annuitants for Life you have in no Sort obviated the Presumption or Supposition that the Assessors will pursue a different Method in ascertaining the Value of Lands than that which is expressly prescribed by the Bill is not to be admitted and to leave Matters to the Incertainty of Supposition, or not to prevent Doubts because Remedies may be applied after the Inconveniencies shall have been felt when a Bill is under Consideration whether it should pass into a Law would not be acting with that Prudence and Caution which ought to be observed.

By your Bill the Assessor is to value the Fee simple as it would sell for in his Apprehension whatever might be the actual Annual Profit of the Land; or whether it would yield any Profit or not and the Assessment is to be made upon the legal Possessor according to the Valuation of the Fee simple whether his or her Estate may be for Life or in Fee, it is therefore plain and evident that as the Tax is not imposed upon the actual Annual Value these Tenants for Life will pay in many Instances for that which they have not.

If the Expedient you have proposed that the Tax upon the uncultivated Lands may not fall upon any other Part of the Owner's Estate should succeed it would be a most excellent one as we should then have all the Land taken up in the Province cultivated and improved but you must see that if your Expedient would not have that Effect our Objection would not be answered because tho' the Property might be changed, still the Proprietor would be liable to the Hardship we mentioned

What you have said of the Tenant's Power to retain has been already observed upon

p. 325 The Oath appointed to be taken by the Clerk of the Commissioners of the Loan Office had it been confined to his own Conduct we should not have objected to, it appears to us that by the Oath as it now stands he is to swear for the Commissioners, whether there was the same Impropriety in the Oath prescribed by the £40,000: Act, or whether it has been occasioned by the Variation you have made is immaterial, if it is wrong it ought to be altered.

We can't think it just and right to make Sureties for the faithful Performance of one Duty liable without their Consent for any Breach of a new Engagement.

We must confess we can't discover that Resemblance between your Bill, and any of the Land tax Acts you seem to think with Respect to the Assessors, and that the unlimited Power not only of judging, but even guessing which you have vested them with, we think might be attended with much Inconvenience. U. H. J. Liber No. 35 May 4

Your Remark upon our Objection to that Part of the Bill by which all the Plate and ready Money in every Person's Possession is to be discovered to all the Inhabitants of the County wherein such Person may reside would have been prevented if you had not thought proper to split it for the Conveniency of framing your Answer.

Our Objection was that few prudent Men would chuse to publish to all the Inhabitants of the Counties they live in, or even to their Domestic Servants all their Plate and ready Money as it might be too great an Encouragement to Rapine. You remark upon this " that ready Mony laying at Hazard should be put into Circulation. If there be Quantities of Plate so hidden from the World by any Person that even his Domestics are unacquainted with it, it is become an useless Treasure and it is time it should some Way be rendred useful to the Community tho' the Owner may not chuse to use it himself "

We don't suppose you mean that it would be better to have ready Mony and Plate stolen than that the Owner should do what he pleases with it, but we can't conceive why a Discovery made by your Bill might not be as dangerous as by any other Method. however you'll be pleased to observe that we did not speak of Quantities of Plate hidden from Domestics whatever you have been pleased to make us say

As you have intimated to us that the military Parts of the Bill may probably be amended to our Satisfaction if we don't think our Objections have been obviated by your Answers, it will be sufficient on this Head to observe to you that your Answers are very unsatisfactory. p. 326

We are well pleased to find that unnecessary Obstructions to the Passage of the Journals of Accounts will not for the future be thrown in, and that you are now convinced they can't promote the Interest of your Constituents.

Your Hint that you expect the Assembly will sit by the last of September would have been more proper to the Governor who is the only Judge of that Matter. We believe we may say that if an Assembly at that Time shall appear to his Excellency to be necessary it will then sit, but if not, he will not be inclined to add to the public Debt.

As to the Tax upon Lord Baltimore's Estate in the Manner you would impose it, it does not appear to us to be so certainly just and reasonable as you seem to think. All his real Estate except his Quit Rents we have agreed shall be taxed, but the Quit Rents we think are upon a very different Footing from the rest of his Estate & that his Lordship would have good Reasons to object to any Imposition upon them and we shall only add to what we said in our former

U. H. J. Liber No. 35 May 4 Message that whatever Probability you may think there is of the Quit Rents of the Proprietary of Pensilvania being taxed from the Intelligence you may have received we are unacquainted with it and that it can't at present have much Weight with us.

The Quit Rent reserved in the old Grant, whether there was any purchase Money paid or not /in many Instances you know Nothing was paid/ was we presume thought to be as much as the Proprietary deemed it prudent to demand of his Tenants who had many Difficulties to struggle with, and would be put to a great Expence in supporting the Government and defending the Province, but can it be seriously contended that after the Province was well settled and Lands grew valuable he could not with Justice alter the Terms of his future Grants in Proportion to their Increase of Value? had his Lordship attempted to impose new Terms upon old Grants you would have Reason for your Exclamation, but as he has made no such Attempt you have none.—You ask if the Undertaking the sole Burthen to defend the Province was a Consideration in our original Grants why did the Proprietary alter the Conditions of taking up Lands from two Shillings ℘ 100 Acres to four Shillings, and from that to 10/. Rent, and why the Purchase Mony from two Pounds to five Pounds

p. 327 Any one unacquainted with the Terms upon which Lands are granted here who should read this Passage in your Message would suppose that the present Rent reserved upon every one hundred Acres is 10/. and that where 10/: Rent is paid for one hundred Acres the Caution or Purchase Money has been five Pounds, and therefore it is proper for us to observe that the Rent reserved is four Shillings only ℘. 100 Acres. that there have been but very few Grants ever made upon which a Rent of 10./ ℘. 100 Acres has been reserved, and that in the Instance where there has been a Reservation of 10/: Rent ℘ 100 Acres the Caution or Purchase Mony was only 40./. We supposed it to be Part of his Lordship's Consideration, or Expectation if you please when he granted his Lands whether under the old or new Terms, that his Tenants would defend them and support every other necessary Expence of the Government and therefore he was the more moderate in his Demands and we thought also that his Tenants considered his Grants in this Light from their never having called upon him to contribute to these Purposes out of the Rents they paid him, and as we think it can't be denied that the Lands lately granted under the new Terms are as valuable to his Tenants as those were originally which were granted upon the old Terms, and his Tenants are equally enabled by the Smallness of the Rent they now pay /tho' greater than what they formerly paid/ to defend their Lands; we are not convinced that any Alteration of the Terms can give his Tenants a Right to claim now a Contribution of his Lordship out of his Quit Rents, which they had not an equal

U. H. J. Liber No. 35 May 4

Title to whilst the old Terms subsisted—The Act of Assembly we cited seems very material when duly considered tho' it is not now in Force—We don't think that Lord Baltimore ought to be exempted from contributing with the Rest of the Kings Subjects to the common Cause of Liberty, all that we have said is that in Respect of his Quit Rents we are not satisfied for the Reasons we have mentioned, that he ought to be taxed in that Contribution which may be expected from the Property of this Province and in the Application whereof we hope to be defended

He pays without Doubt his Proportion of the Taxes imposed in England. However clear you may be that the Proprietary if he thought himself unjustly taxed would not dissent to the Bill from a Tenderness to those by whom he might think himself injured we think the Probability of it's happening an unanswerable Objection. p. 328 We can't guess what you mean by the Words "had he Power" surely you don't mean that his Power to dessent to Bills is doubtful, if you do, we wish that you speak out, and not involve in the Darkness of Ambiguity what is directly assented and fairly brought to Light might be easily confuted.

The Distinction you have taken to justify your intended Imposition of a Tax upon the Governor in respect of his personal Estate and his Offices of Chancellor and Surveyor General must have appeared as immaterial to you as it does to us if you had any Reason for exempting him at all. To make Laws without Sanctions to enforce them Observance of them would be to little Purpose, and it would be as ineffectual to insert Sanctions to compel, which can't.

We don't presume that the Governor would refuse to pay the Tax if it was imposed upon him, nor that the Collector upon his Excellency's Refusal or Omission to pay it would put him in Prison, or that he would be charged with the Lower House with a Failure of Duty if he declined to put your Sanctions in Force but we think that the Governor would have more Reason than either House ought to give him to resent the Indignity offered to him by such an absurd Imposition.

Your Promise to make good any Deficiencies however it might be relied upon by the good People of this Province we are afraid would not be sufficient to support the Credit of our Mony with Strangers, and as a longer provincial Continuancy of the Bill might be easily inserted it ought not to be neglected.

It would be to no Purpose to propose a Conferrence whilst you adhere to such Points as we cannot agree to.

The three Bills you have sent up to us you would seem to think have not met with the Deferrence and Respect which in your Apprehension they merited. why when we rejected the first, a second and a third Bill with very immaterial Alterations /as you say/ have been sent up to us, it would be difficult to assign any other Cause than the

U. H. J. Liber No. 35 May 4 Opinion you seem to be possessed with, that Pertinacity would at length prevail against Right, Reproach extort Assent, and that it would be more eligible to establish Error and the very inconvenient Consequences of it in this Instance by an obstinate Adherence, than to acknowledge it by a candid & ingenious Retractation

The Ecordium of your last Message seems calculated to cast the Blame of mispending so much Time and public Mony in tedious and p. 329 fruitless Sessions upon us, but pray consider what little Success will probably attend such an Attempt if now you have our Objections you think it incumbent upon you at all Events to disregard them? of what Use in the Conduct of public Business can an explicit Communication of our Sentiments be when after it is made your whole Study and Views are to elude the Force of them by fallacious Reasoning and caption Animadversions indulge an Humour of Invective and insult with Rudeness when you can't refute or convince by Argument.

Will you say that if we had particularly enumerated our Reasons for rejecting your first or second Bill you would have fallen upon some other Method of granting Mony, if not, what Obstruction of his Majesty's Service has arisen from our omitting to send you our Objections to your Bill before the Time we did, or what good End would have been answered, what Part of the Expence you have imposed upon your Constituents lessened by our taking that Step? if you'll say that you would evince your Sincerity by doing it now. you have now our Objections against which as you have nothing but the weakest Cavils to advance we press you to do it by the Duty you owe to your King and Country, we would persuade you to do it: it will furnish you with a better Pretence for your Insinuations than, you have at present

We said in our former Message "that there were some late Resolves of "the Lower House that we had no Right but to pass or reject Mony Bills."

Your Answer to this is that We do not recollect any Resolves of this House in the Words you mention, but whatever they may be you must know that they were "made not to extend but to confirm our own Rights and Priviledges &c." perhaps there may be some very nice Distinction between the Lower House and this Lower House, and what may have been done in a former Session by the same Members is not to be imputed to them in this, but you have not denied, nor can you deny the Fact mentioned in our Message that the Lower House had lately resolved "we had no Right but to pass or reject Mony Bills."

You are pleased to inform us of the Difference between Resolves of the Lower House to confirm and extend the Privileges you claim. We are obliged to confess tho' you say we must know it, that we don't understand it. We can't easily conceive how your Resolves penned by yourselves without any expressed or implied Concurrence or Assent of any other, and entered upon your own Journals can operate as a Confirmation of the Privileges claimed by yourselves. If your Priviledges after this Kind of parliamentary Confirmation stand as they did before they were thus sanctioned, it is very difficult to have any Idea of the real Nature of its Operation, if they gain thereby any additional Strength the Members of your House have a Power of giving or communicating to themselves by their Resolves what they had not before. We are therefore not satisfied with your Distinction and hope you will excuse us for not knowing or even assenting to what we don't understand

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We observed to you in our Message "that we were willing to admit the Corrections you had made of some Parts of the Bills after we had returned it with a Negative, and that we would in Order to give you the Satisfaction you desired proceed to point out our material Objections, not thinking that any Forms ought to be so religiously observed as to defeat the Duty we owed to our King anud Country &c." This was said in Answer to that Part of your first Message wherein you seemed to make some Apology for calling upon us to point out our Objections by saying that "you hope we will point out all our Objections tho' it may not be consistent with parliamentary Modes of proceeding, and give us some Assurance of your Disposition to reconcile this Remark you would insinuate did not consist with our Conduct, but why not? after you had applied to us for our Objections and promised to pay a just Regard to them /how far you have done so, let your contumelious Language speak/ the Forms we spoke of were those you had transgressed and such as we could have insisted upon for denying your Request, but as you had given us an Assurance that our Compliance might be productive of some good Consequence to his Majesty's Service we were willing to dispense with them: This is the plain sense of that Passage to which you would give a different Meaning, however, your Mistake of it gives us great Pleasure as it has occasioned an Intimation of your Opinion that the Privilege lately set up by the Lower House in Respect of Mony Bills ought to be considered only as a Matter of Form, and as we now find that you will admit our Amendments with more Temper than you have lately done we shall propose them for the future with less Ceremony.

Signed ꝑ. Order J. Ross Cl. Up. Ho.

The following Message with the Bill, entitled, An Act for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly is sent to the Lower House by Benedict Calvert Esq.^r^

By the Upper House of Assembly 4. May 1758:

Gentlemen.

We sent you a Bill the 19.^th^ of last Month for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly

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of which you have not been pleased to take the least Notice to us, but on the second Instant you sent us a Bill entitled, An Act for reducing the Allowances of the Councillors Deputies & Delegates that shall serve in the General Assembly the Judges of the Court of Appeals and the Commissioners of the Provincial and County Courts of this Province for ascertaining the Allowances of the Clerks and other Officers of both Houses of Assembly and securing the Independency of the said Deputies and Delegates, and other Purposes therein mentioned, and as we apprehend that the Bill sent from us ought first to be considered and the Method you have pursued is inconsistent with all Rules of proceeding we have rejected your Bill upon a View of the Title of it, and hope that you will not adhere to a Mode of proceeding which can't but defeat the End we proposed of easing the good People of this Province.

Signed ꝑ. Order J. Ross Cl. Up. Ho.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message with the Bill entitled, A supplementary Act to an Act for granting a Supply of £40000. for his Majesty's Service, and striking £34015.6.0: thereof in Bills of Credit, and raising a Fund for sinking the same is sent to the Lower House by Daniel Dulany Esq.^r

By the Upper House of Assembly May 4.^th 1758.

Gentlemen

We have returned you the Bill, entitled, A supplementary Act to an Act entituled, An Act for granting a Supply of £40000: with the Amendments proposed by us, the Propriety whereof we are too well convinced of to recede from and if you think the Bill to be beneficial to the Province, and are really unwilling to lose it, we now put it in your Power to pass it for engrossing.

A Recovery in a summary Way before one Justice of the Peace of the Penalty of five Pounds may perhaps induce Persons to inform, but it may also introduce much Partiality and Oppression, and we think there ought to be great Caution in vesting a single Justice out of Court from whose Decision there would be no Appeal with the Power of determining in a summary way

Signed ꝑ. Order J Ross Cl: Upp. Ho:

Adjourned 'till to Morrow Morning 10: o' the Clock.

Friday Morning 5.th of May 1758.

U. H. J.
Liber No. 35
May 5

This House met again according to Adjournment

Present as Yesterday

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A Bill from the Lower House by Mess.rs Wilson and Dorsey, entitled, A supplementary Act to an Act entitled, An Act for Limitation of certain Actions for avoiding Suits at Law thus endorsed.

By the Lower House of Assembly 4. of May 1758.

Read the first Time and ordered to lie on the Table

Signed ꝑ. Order M Macnemara Cl Lo Ho:

By the Lower House of Assembly 5. of May 1758.

Read the second Time and will pass.

Signed ꝑ. Order M Macnemara Cl. Lo Ho.

Read the first Time in this House & ordered to lye in the Table.

Read the second Time the aforesaid Bill by especial Order and with the Amendments herewith sent will pass:

The following Amendments are sent to the Lower House by Col: Tasker.

By the Upper House of Assembly 5. of May 1758.

Read the second Time and will pass with the following Amendments.

Leave out all the Words between, that, in the third Line of the first enacting Clause to the Word, Administrators in the fifth Line of the same Clause, and insert the following /All Actions of Account Contract Book Debt or upon the Case, other than such as concern the Trade or Merchandize between Merchant and Merchant their Factors and Servants and all Actions of Debt for lending or Contract without Specialty, leave out the Words did or, in the said fifth Line; after the Word shall in the sixth Line of the said Clause, insert the Words /after the End of this present Session of Assembly/. After the Word Fact in the eleventh Line of the said Clause insert the following Words /shall be commenced or sued within six Years after the Debt or Cause of Action aforesaid shall hereafter accrue as aforesaid, and not after/. Leave out in the said eleventh Line, the Words or to any; and insert the Words and no, after the Word Non Resident. In the fourteenth Line of the said Clause insert the following Words /whereupon the Debt or Thing in Action shall be standing above the Term of six Years at the End of this present Session of Assembly shall be good and pleadable, or admitted in Evidence against any Person or Persons within this Province after the Expiration of six Years from and after the End of this present Session of Assembly/ and leave out the Residue of the said Clause. Leave out the two Provisos in the Bill and insert as follows And

U. H. J. Liber No. 35 May 5 p. 333 be it enacted by the Authority aforesaid that all Actions shall be commenced and sued upon Debts and Demands now due, and which arisen upon simple Contract as aforesaid /except as aforesaid/ within 6: Years after the End of this present Session of Assembly and not after.

Provided always and be it Enacted that no Person defending him or herself out of this Province or that shall remove from County to County after the Debt or Cause of Action aforesaid shall accrue as aforesaid whereby the Creditor or Creditors of such Person may be at an Uncertainty of finding out such Person or his or her Effects, shall have any Benefit by the Limitation & Restriction in this Act specified.

In the continuing Clause instead of the Word six put ten.

Signed ꝑ Order J Ross Cl. Up. Ho:

Adjourned 'till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with Col: Lloyd & Col: Henry.

A Bill from the Lower House by Mess.rs Carroll and Harris, entitled An Act to repeal Part entitled, An Act replacing Part of an Act laying an Imposition on Negroes, and on several Sorts of Liquors imported, and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province, and to lay a Duty upon Rum Sprits Wine and Brandy imported into this Province from Pensilvania and the three Lower Counties on Delaware called Newcastle, Kent, and Sussex. thus endórsed.

By the Lower House of Assembly 4. May 1758.

Read the first Time and ordered to lie on the Table

Signed ꝑ. Order M Macnemara Cl Lo: Ho:

By the Lower House of Assembly 5.th May 1758.

Read the second Time and will pass.

Signed ꝑ Order M Macnemara Cl Lo Ho

Read the first Time in this House, and ordered to lye on the Table

Read the second Time by especial Order passed and sent to the p. 334 Lower House by Samuel Chamberlaine Esq.r

Adjourned 'till to Morrow Morning 10: o' the Clock

May 6 Saturday Morning 6.th of May 1758.

This House met again according to Adjournment.

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Liber No. 35
May 6

Present as Yesterday

A Bill from the Lower House by Mess.rs Tilghman and Dorsey, intitled An Act for raising two Pence sterling for every Hhd: of Tobacco exported out of this Province for Payment of an Agent in Great Britain for the Service of this Province thus endorsed.

By the Lower House of Assembly 6: of May 1758.

Read the first and second Time by an especial Order and will pass.

Signed ℘. Order M Macnemara Cl. Lo. Ho.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

An engrossed Bill from the Lower House by Mess.rs Govane & Worthington entitled, A supplementary Act to an Act entitled, An Act for granting a Supply of £40,000: for his Majesty's Service and striking £34015.6.0: thereof in Bills of Credit and raising a Fund for sinking the same thus subscribed

6.th May 1758: Read and assented to by the Lower House of Assembly

Signed ℘. Order M Macnemara Cl. Lo. Ho.

Read and assented to by this House and ordered to be so subscribed

Read the second Time the Bill entitled, An Act for the Relief and Release of poor distressed Prisoners for Debt and will not pass. sent to the Lower House by Col: Henry.

Read the first and second Time by especial Order the Bill, entitled, An Act for raising two Pence sterling for every Hhd: of Tobacco exported out of this Province for Payment of an Agent in Great Britain for the Service of this Province and will not pass. sent to the Lower House by Col: Lloyd.

Adjourned 'till Monday Morning 10. of the Clock

Monday Morning 8.th of May 1758. May 8

This House met again according to Adjournment

Present

The honourable
Benjamin Tasker Esq:
Colo: Charles Hammond
Samuel Chamberlaine Esq.r
Colo. Edward Lloyd
Colo. Benjamin Tasker p. 335
Benedict Calvert Esq.r
Colo. Henry
Daniel Dulany Esq.r

An engrossed Bill from the Lower House by Mess.rs Gassaway & Owens entituled A supplementary Act to an Act entitled, An Act for

U. H. J. Liber No. 35 May 8 granting a Supply of £40000: for his Majesty's Service and striking £34015.6.0: thereof in Bills of Credit, and raising a Fund for sinking the same, thus subscribed.

8.th of May 1758: Read and assented to by the Lower House of Assembly

Signed ꝑ: Order M Macnemara Cl. Lo: Ho.

Read and assented to by this House and ordered to be so subscribed.

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

Present as in the Morning

Samuel Chamberlaine Esq.r from the Committee appointed to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly, brings in the following Report:

Maryland ss.

At a Committee of both Houses of Assembly appointed to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly

Were present

The honourable Samuel Chamberlaine Esq.r of the Upper House.

Mess.rs Walter Dulany Michael Earle, Robert Lloyd, John Bracco, Alexander Williamson, Matthew Tilghman, Brice Thomas Beale Worthington, and John Hanson of the Lower House.

We make Choice of and appoint the honourable Samuel Chamberlaine Esq.r Chairman and Richard Dorsey their Clerk.

Your Committee on an Inspection of the Books, and Accounts of the said Office, find them still kept in that irregular and indistinct manner which has been reported by former Committees, and therefore have not had it in their Power thoroughly to examine into the p. 336 State and Condition of the same Office or into the Conduct and Behaviour of the said Commissioners or Trustees any further than to enable them to make the following Report. viz.t

Your Committee have examined the Iron Chest or Cash Account N.o 1. raised in the Books and find it closed to the 6.th Day of February last, by the following State of which it will appear that there remains a Ballance of £544.15.4:

D.r The Office for emitting Bills of Credit.

To Ballance in the Iron Chest 15: Sep.r 1756. as ꝑ Report the 17.th of same Month.............. 616.. 5.. 9¼

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To principal Money paid into the Office from the said 15.th September to 6.th of February 1758...	1595.. 6.. 8½
To Interest Money paid into Ditto in same Time..	605..12.. 8¼
To Money paid into ditto by several Sheriffs for Ordinary Licences to same Time...............	846..17.. 9
To ditto paid into ditto by several County Clerks for Pedlar's Licences in same Time..............	85..16.. 0.
To ditto paid into ditto by the Justices of Prince Georges County for so much received by them under the Inspection Law....................	7..19.. 0.
To Mony paid into the Office by several Naval Officers, for the Duty on Servants, Negroes, and Madeira Wine in same Time............	728..13..10½
To Mony paid into ditto by the Sheriff of Dorchester County for a Pedlar's Fine for selling Liquor without Licence....................	3..18.. 0.
To Money paid into ditto by several of the Collectors of Excise for two Pence ꝑ. Gallon, Part of the Duty on Madeira Wine in same Time....	8..15.. 6½.
To Mony paid into ditto by several Sheriffs towards replacing the £200: paid Jonas Green for printing Part of the Mony emitted by the £40,000: Act...	129..10.. 0.
To Mony paid into ditto for Costs of Suit on John Meekin's Bond	1..10.. 0.
To Mony paid by John Raitt Sheriff of Ann Arundel County for William Jones' Fine for selling Rum to a Negro.....................	2.. 7.. 6.
	£4918..15.. 7.

C.r

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By Mony paid the Commissioners and Clerk their Salaries	560.. 0.. 0.
By Mony paid the Agents in Pursuance of the Act for his Majesty's Service past in May 1756.....	1000.. 0.. 0.
By Mony paid Jonas Green for Printing Part of the Mony emitted by the said Act.............	200.. 0.. 0.
By Mony paid sundry Persons in Pursuance of an Act entitled An Act for the speedy Payment of the sundry Persons therein mentioned /passed in April 1757:	210..14.. 2.
By Mony paid for cleaning the Office &c........	12.. 0.. 0.
By Mony paid for Wood and other Necessaries for the Office............................	4..12.. 0.

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By Mony James Hutchins for going to Talbot Assizes with an attested Copy of the Inventory of Henry Trippe's Estate to be given as Evidence in an Action commenced on the said Henry Trippe's Administration Bond for a Debt due to the Office..............................	1.. 5.. 0.
By Mony paid John Raitt Sheriff of Ann Arundel County for Commissary General's, Secretary's, and Sheriffs Fees.........................	48.. 0.. 8.
By Mony put into the Iron Chest N.° 2: to compleat the Loan of £5984.14.0: by the 40,000. Act.	1460..14.. 0.
By Mony lent on Interest......................	875..14.. 4.
By Mony paid the Justices of Dorchester County in Pursuance of the Inspection Law..........	1.. 0.. 0.
By Ballance in the Chest..................	544..15.. 4.
	£4918..15.. 7.

Your Committee find that no Mony hath been paid into the Office in Virtue of the Act for Encouragement of able bodied Freemen voluntarily enlisting in his Majesty's Service for the Expedition ag.^{t} Cuba since the Report in April Session 1757. so that a Ballance of £684.14.6: still remains due to the Office for Mony taken out by that Act which was to have been replaced by public Assessment.

Your Committee further find that there remains due to the Office by the Act for purchasing Provisions for his Majesty's Forces for the Expedition against Canada which is to be replaced by Ordinary p. 338 Licences the Sum of £147.12.8¾. That there remains due for Money taken out of the Office by the Act for his Majesty's Service past in July 1754. which is to be replaced by the additional Sum of twenty Shillings on Ordinary Licences, the Duty on Servants, Madeira Wine, Wheel Carriages, Pedlar's Licences, and the additional Duty on Negroes £2055.7.9¼: and that there remains also due for Money taken out by the Act entitled, A supplementary Act to the Act for the speedy & effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green of the City of Annapolis Printer, which was to be replaced by a proportionable Assessment on the several Counties of this Province the Sum of £70.10.0: as ꝑ. the following Accounts.

D.^{r} The Public by the Act for purchasing Provisions for his Majesty's Forces on the Canada Expedition

	£ s d
To Ballance as ꝑ Report in September Session 1756	785.. 3.. 7.

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C.r By Money paid by Sheriffs for Ordinary Licences	£635.. 3.. 4¼
By Mony paid by the Sheriff of Ann Arundel County for William Jones' Fine for selling Rum to a Negro	2.. 7.. 6.
Ballance due on this Account	147..12.. 8¾
	£785.. 3.. 7.

D.r The Public by the Act for his Majesty's Service past in July 1754.

To Ballance as ꝑ. Report in Sep.r 1756:	£3380..18.. 3¾

	£ s d
C.r By Mony paid by Sheriffs for the additional Sum of 20/: on Ordinary Licences	211..14.. 4½
By Mony paid by County Clerks for Pedlars' Licences	85..16.. 0.
By Mony paid by Naval Officers for the Duty on Negroes Servants & Madeira Wine	728..13..10½.
By Mony paid by Sheriffs for Wheel Carriages	286..12.. 9.
By Mony paid by the Sheriff of Dorchester County for a Pedlar's Fine for selling Goods without Licence	3..18.. 0.
By Mony paid by Collectors of the Excise for two Pence ꝑ Gallon Part of the Duty on Madeira Wine	8..15.. 6½
Ballance due on this Account	2055.. 7.. 9¼
	£3380..18.. 3¾

D.r The Public by the Act entitled, A supplementary Act to the Act for the speedy and effectual Publication of the Laws of this Province & for the Encouragem.t of Jonas Green of the City of Annapolis Printer past in Sep.r Session 1756: p. 339

	£ s d
To Mony paid by the Commissioners to Jonas Green in pursuance of the said Act	200.. 0.. 0.

C.r By Mony paid by several Sheriffs	129..10.. 0.
Ballance due on this Account	70..10.. 0.
	£200.. 0.. 0.

U. H. J. Liber No. 35 May 8 Your Committee observe that of the Money reported in April Session 1757. to be due from several Sheriffs on Account of Ordinary Licences and Wheel Carriages the following Sums still remain unpaid

	Ord.y Licences	Wheel Carriages
John Risteau late Sheriff of Baltimore County	121..10.. 0.	
Henry Morgan late Sheriff of same County	26.. 2.. 6.	
Thomas Sheredine late Sheriff of same County	24.. 5.. 6.	
Tho.s Sheredine jun.r late Sheriff of same County	0..19.. 9½	
John Smith late Sheriff of Cecil County	49.. 8.. 5.	
Michael Earle late Sheriff of same County	4..10.. 0.	
John Parran late Sheriff of Calvert County	11..17.. 6	
Osborn Sprigg late Sheriff of Prince Georges County	131..16.. 5½	
Joseph Belt jun.r late Sheriff of same County	18..10.. 0.	
Walter Hanson late Sheriff of Charles County	23..15.. 0	
Thomas Hungerford late Sheriff of same County	22.. 7.. 4½	
William Manduit late Sheriff of Prince Geo: County	59..19.. 4½	
John Cooke late Sheriff of same County £96.6.7½. and £47.5.8¾	143..12.. 4¼	
Turner Wootton late Sheriff of same County £179.1.6. & £55.19.5½. for Ordinary Licences & also £27.15.9: for Wheel Carriages	235.. 0..11½.	27..15..9.
William Raisin, late Sheriff of Kent County	35..14.. 2.	
Hercules Coutts Sheriff of same County	2.. 9..10½	
Cha.s Christie Sheriff of Baltimore County for Wheel Carriages	....	9..15..0.

N. B. The several Sheriffs Bonds are sued for the above Ballances, except John Parran's and William Raisins & Turner Woottons for the Year 1756.

p. 340 Your Committee further observe that the following Officers & others concerned in returning the Lists & Accounts of, and collecting the Taxes under the following Acts pas't for his Majesty's Service /to wit/ the Act for purchasing Provisions for his Majesty's Forces on the Canada Expedition. /passed in Nov.r 1746./ and the Act

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passed in July 1754. are deficient in the following Instances /to wit/ John Darnall Clerk of Frederick County in not returning List of Ordinary Licences and Wheel Carriages for the Year 1757. William Ireland Clerk of Calvert County in not returning any List of Wheel Carriages in Pursuance of the said Act of 1754. and Beale Bordley Clerk of Baltimore County in not returning a List of Wheel Carriages for the Year 1757. but whether the several Constables have returned Lists of Wheel Carriages to the County Courts as prescribed by the Act of 1754. does not appear to your Committee. The Extors of Geo: Plater Esq.r late Naval Officer of Patuxent have returned no Account of, or paid any Money for the Duties collected from 14. of March to 29: Sep.r 1755. Geo: Dent late Sheriff of Cha.s County has neglected paying the Sum of £44.17.9: for Ordinary Licences received in the Year 1756. and John Fendall Sheriff of same County 0:19:0: the Ballance of the Duty on Wheel Carriages in the same Year.

Your Committee also observe that the following Sheriffs are deficient on Account of the Mony levied in their Counties towards replacing the £200: paid Jonas Green for printing Part of the Money emitted by the Act for his Majesty's Service past in the year 1756: vizt

	£ s d
John Fendall Sheriff of Charles County..............	17..10..0.
James Dickson Sheriff of Frederick County...........	15.. 5..0.
William Hedges late Sheriff of Cecil County..........	10..10..0.
Hercules Coutts Sheriff of Kent County..............	13.. 5..0.
	56..10..0.

N. B. Meveril Locke Sheriff of S.t Mary's County paid since the closing the Books £14.0.0:

Your Committee in Order to give the honourable Houses an Opportunity of judging of the Solvency of the several Persons and their Securities who are indebted to the Office upon Bond or Mortgage & to shew the Principal due by the said Bonds, and the Interest thereon to the Year 1757. Part inclusive, and how far the Commissioners have complied with the Directions of the several Acts relative to their Duty in these Respects have inserted the following List.

Principal Names	Securities Names	Principal Sums due on Bond & Mortgage	Interest due
Robert Gordon	Michael Macnemara	£50.........	£4.........
Ditto	Joshua George	100.........	8.........
Ditto	William Cumming	74.........	5..18.. 4½
Col. Charles Hammond..	Thomas Homewood	50.........	2.........
Ditto	Benjamin Young	100.........	4.........
Ditto	James Hollyday	100.........	4.........
Daniel Dulany Esq.r.....	James Johnson	100.........	12.. 0.. 0.

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	Principal Names	Securities Names	Principal Sums due on Bond & Mortgage	Interest due
U. H. J.	Michael Macnemara	Daniel Dulany Esq.	70	8.. 8.. 0.
Liber No. 35	John Ross Esq.^{r}	Edward Fottrell	100	0.. 0.. 0.
May 8	Richard Snowden	Samuel Richardson	100	0.. 0.. 0.
	James Paul Heath	Michael Coulter	100	76.. 0.. 0.
	Ditto	Daniel Dulany Esq.	100	80
	D.^{r} George Thorpe	D.^{r} Cha.^{s} Carroll	100	8
	Patrick Creagh	Simon Duff	100	12
	Ditto	Richard Burdus	60	7.. 4.. 0.
	Christopher Randall	Thomas Sheredine	25	
	Benjamin Pearce	William Rumsey	50	6
	Ditto	Joshua George	100	4
	Ephraim Gover A A County	Ephraim Gover Balt.^{o}	50	6
	Henry Trippe	Solomon Edmonson	75	57
	Ditto	Levin Gale Esq.^{r}	80	57..12.. 0.
	Edward Sprigg	John Beall P. Geo:	75	24
	William Dallam	John Paca	50	2
	Thomas Sparrow	Daniel Dulany Esq.^{r}	100	64
	Henry Bailey Talbot County	Mortgage of Land	50	44
	John Hammond	Rezin Hammond	100	12
	The same	Adam Shipley	50.. 8.. 0.	6.. 0..11$\frac{3}{4}$
	David Weemes	Thomas Sparrow	75.. 0.. 0.	9
	The same	Peter Galloway	100.. 0.. 0.	12
	John Dennis	Richard Burdus	60	
	Nath. Wickham	John Digges	50	44
	George Garnett	William Raisin	100	4
	James Keeck	Thomas Hungerford	50	
	William Govane	Mordecai Hammond	400	24
	The Same	William Cumming		
	The Same	George Page		
	The Same	Lawrence Hammond		
	Captain George Beale	William Govane	27..15.. 4.	
	Rob.^{t} Riddle	Edward Sprigg	40	0..12.. 6.*
	Thomas Clark	Joseph Belt	224	9
	The same	William Ghiselin		
	The same	John Cooke		
	Basil Beckwith	Thomas Clark	30	7.. 4
	Lawrence Hammond	William Govane	249	
	The same	The same		
	The same	The same		
p. 342	Richard Harrison	William Rogers	207..15.. 4.	8.. 6.. 2.
	The same	John Darnall		
	The same	Benjamin Harrison		
	Joseph Chapline	Edward Sprigg	15	1.. 4
	Thomas Middleton	Zeph.^{n} Wade & Tho.^{s} Jenings	50	42
	Thomas Sligh Baltim.	William Dallam	130	10.. 8.. 0.
	The same	William Barney Edm.^{d} Talbot and Nathan Hughes		
	Thomas John Hammond	Mordecai Hammond	40	
	Jonathan Seale	Jane Swan & Fra. Hopewell	30	25.. 4.. 0.
	Thomas Addison	William Wilkins	50	4
	Basil Waring	Philip Digges	100	8
	Thomas Middleton	Jn.^{o} Courts & W.^{m} Middleton	100	72
	John Yoe	James John Mackall	100	8
	Allen Davis	Jonathan Davis	75	
	Charles Ridgeley	Thomas Sheredine	30	2.. 8
	Peter Galloway	Samuel Chew	100	32

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* [This item £0. 120. 6 appears in Lower House Journal mss. as £12:16:0]

Principal Names	Securities Names	Principal Sums due on Bond & Mortgage	Interest due	
John Hepburne	Thomas Sprigg	306.. 6.. 6.	24..10.. 4.	U. H. J. Liber No. 35 May 8
The same	Ignatius Digges			
The same	John Cooke			
The same	James Wardrop			
The same	John Darnall			
James Dick	James Wardrop	100........	8........	
George Steuart	William Alexander	300........	24........	
The same	William Steuart			
The same	Peter Buchanan			
William Chapman	William Chapman jun.	80..11.. 0.	9..13.. 3.	
Joshua George	Thomas Johnson	50........	4........	
Alexander Rind		30........	24........	
Joseph Barrett	Mortgage of Land	20........	16........	
John Addison	Thomas Addison	200........	....	
The same	Anthony Addison			
Elihu Hall	Vachel Denton	30........	....	
Edward Mattingley	Jn.^{o} Gardner & Phil: Key	50........	4........	
Samuel Smith	William Hood	35........	2..16.. 0.	
Charles Sewall	Clement Sewall	70........	52..14.. 0.	
Robert Brashear	Samuel Brashear & Edward Sprigg	100........	72........	
Jonas Green	Daniel Dulany	114.. 8.. 4.	64.. 3..11.	p. 343
The same	Geo: Plater & Edm.^{d} Jenings			
William Murray	William Timbrell	100........	12........	
William Timbrell	William Murray	100........	12........	
Walter Tolley	John & Joshua Starkey	50........	4........	
Thomas Sheredine	Richard Caswell & Jos. [Jno. in Lower House mss.] Hall	60........	43.. 4.. 0.	
Nath. Rumney	Edward Rumney	40........	....	
Thomas Jennings	Thomas Lusby	79..12.. 6.	49.. 0.. 1.	
The same	Darby Lux			
Littleton Townshend	Mortgage of Land	80........	57..12.. 0.	
John Cooke	Kenelm Greenfield Jowles	360........	43.. 4.. 0.	
The same	Thomas Lee			
The same	John Hepburne			
The same	Thomas Clarke			
Samuel Galloway	Thomas Norris	100........	12........	
Nicholas Watkins	Isaac Jones	75........	....	
Charles Hynson	Darius Dunn	100........	4.. 0.. 0.	
Thomas Franklin	Richard Geist	100........	....	
Alex.^{r} Lawson	Charles Carroll Esq.^{r}	100........	8........	
Ignatius Digges	Charles Graham	100........	12........	
The Reverend Cha.^{s} Lake	William Reynolds	75........	6........	
Osborn Sprigg	John Darnall	100........	55..19.. 0.	
John Currer	Nicholas Hyland	100........	....	
Thomas Chittam	Osborn Sprigg & Tho:^{s} Sprigg	100........	8........	
Nath. Whitaker	Thomas Lambden	26........	12.. 9.. 6.	
John Gassaway	Thomas Gassaway	100........	....	
Geo: Page	William Govane	167..10.. 0.	6..14.. 0.	
The same	The same			
John Darnall	Benjamin Young	185..10.. 0.	18..16.. 9.	
The same	Richard Harrison			
D.^{r} Charles Carroll	Nicholas Maccubbin	100........	8........	
James Elder	Alexander Elder	10........	1.. 4.....	
Alexander Elder	James Elder	40........	4..16.....	
the same	the same			
Samuel Tyler	Osborn Sprigg	80........	6.. 8.....	
George Bell	James Edmonson	100........	....	

	Principal Names	Securities Names	Principal Sums due on Bond & Mortgage	Interest due
U. H. J. Liber No. 35 May 8 p. 344	The Rev.^{d} Samuel Edgar	George Steuart	60	31.. 4.. 0.
	John Baldwin	John Thompson	100	12
	John Thompson	John Baldwin	93..10.. 0.	11.. 4.. 4.
	Benjamin Wright	Henry Wright	25	1
	Christopher Lowndes	Josiah Beall	65.. 8.. 0.	2..12.. 3.
	Thomas Richardson	W.^{m} Thornton & W.^{m} Reynolds	50	6
	Rob.^{t} Swann	Daniel Dulany Esq.	225	26
	The same	James Wardrop		
	The same	The same		
	John Lamb	William Govane	25	....
	James Wardrop	James Dick	300	32
	The same	Robert Swann		
	The same	The same		
	Alexander Hamilton	William Cumming	150	18
	The same	The same		
	Charles Cole	Gold and Silver	62..10.. 0.	7..10.. 0.
	The Rev.^{d} William Brogden	William Chapman jun.^{r}	100	....
	Richard Gresham	John Graham	100	8
	John Howard	John Gassaway	54	....
	Samuel Harrison	Richard Harrison	15	1..16
	Benjamin Welch	John Welch & Tho.^{s} Welch	100	12
	Thomas Williamson	D.^{r} Cha.^{s} Carroll	100	8
	Josiah Beall	Samuel Beall	100	....
	Joseph Hall	Samuel Harrison	66	5.. 5.. 7.
	George Aisquith	Joseph Hopewell	76..10.. 0.	30..11.. 8.
	Jacob Franklin	John Galloway	52	....
	James Beck	Turner Wotton & Henry Hall	70	8.. 8.. 0.
	William Rasin	George Garnett	41	1..12.. 9.
	The Rev.^{d} John Gordon	Alex.^{r} Hamilton	100	4
	Samuel Howard	Thomas Jennings	54..19.. 3.	4.. 8
	Anthony Addison	John Addison	100	....
	The Rev.^{d} Walter Chalmer	John Campbell	130	17..12.. 0.
	The same	William Govane & Geo: Page		
	John Williams (Somerset)	Richard Waters	100	....
	Richard Waters	John Williams	10.. 2	0.. 8.. 1.
	Abel Hill	Cha.^{s} Drury	60	....
	Turner Wootton	Hen: Wright Crabb	100	12
	Michael Earle	Sidney George	60	7.. 4.. 0.
	William Reynolds	W.^{m} Roberts & Samuel Soumaien	60	4..16.. 0.
p. 345	Thomas Ringgold	D.^{r} Geo: Steuart	156	2.. 4.. 9.
	The same	Alex.^{r} Williamson		
	William Barney	Thomas Sligh, Edmund Talbot & Nathan Hughs	20..12.. 0.	1..12.. 9.
	Thomas Flemming	W.^{m} Govane & Geo: Page	36	2..17.. 7.
	Stephen Glanvill	Samuel Budd	60	4..16.. 0.
	Susannah Jobson	Beall Bordley	15	....
	Robert Gordon jun.^{r}	John Stoddart	25	....
	John Campbell	Simon Duff	100	16
	Joseph Lusby	Anthony Drew	42	1..13.. 7.
	William Rumsey	Nicholas Hyland	100	....
	Benjamin Harrison	Richard Harrison	50	2
	Jeremiah Berry	John Berry	60	4..16
	Ephraim King	Nehemiah King	50	....
	Geo: Catto	Rob.^{t} Swann	70	....

Principal Names	Securities Names	Principal Sums due on Bond & Mortgage	Interest due
D.r James Walker	John Howard	32	2..11.. 2.
John Inch	William Reynolds	100	4
Brian Philpot jun.r	Patrick Creagh	100	4
John Hammond Dorsey	Nathan Hughes	100	
Nathan Hughes	John Hammond Dorsey	70	
		£12,757.. 8.. 3.	£1873.. 2..10.

U. H. J.
Liber No. 35
May 8

Your Committee farther report that by the Act entituled, An Act for emitting & making Current the Sum of £90000: Current Mony of Maryland in Bills of Credit the Commissioners are impowered to lend upon Security such Sum or Sums of Money as remained in the Office and not particularly applied by that Act under certain Conditions and Limitations therein mentioned whereof one is that the principal Money shall be repaid at such Times and in such Proportions as the Commissioners or Trustees and the Borrower shall agree not exceeding 7: Years & the Interest of the whole Sum paid every Year; notwithstanding whereof the Comm.r suffer large Sums of Money due to the Public on Bonds to lye in the Hands of the Borrowers by which Means the Public lose not only the Accumulation of the Interest, but in many Instances the Principal is in Danger of being lost for Want of bringing Suits on such Bonds in Time.

Your Committee further observe that by the said Act, such of the Commissioners or Trustees as shall undertake and execute the said Trust shall be allowed for their Service and Trouble therein after the Rate of one hundred Pounds each for the first Year and for p. 346 every Year after eighty Pounds each, and the same Sum is allowed to their Clerk which they have constantly drawn and paid quarterly, notwithstanding that two of the said Commissioners viz.t Charles Hammond and George Steuart Esq.rs are or have been several Years Interest in Arrear on Sums of Mony borrowed of their said Office in their own Names at the Time they drew such quarterly Payments These Matters your Committee beg Leave to report as being in their Opinion Misbehaviours and Breaches of Duty in the said Comm:rs or Trustees which must in all Probability be attended with great Loss to the Country

NB: On the 6.th Day of May 1758: Col: Hammond paid the Interest due on his Bonds.

Your Committee having also examined into the Account of Mess.rs William Hunt & John Hanbury relative to that Part of the Trust directed by the Paper Currency Act to be transacted at London do find that the Bank Stock stands in the same State & Condition as reported in April Session 1757: but by a Letter from the said Hunt and Hanbury dated at London the 10.th of March 1757. and directed

U. H. J. Liber No. 35 May 8

to the Commissioners or Trustees aforesaid accompanying a State of the Paper Currency Account, a Copy whereof is hereunto annexed it appears there is a Ballance of the Cash Account in the Bank Books of £3299.1.4: in th joint Names of the said Hunt and Hanbury not yet converted into Capital Stock, and in the Hands of the said Hunt the Sum of £60:15:3: as a Ballance due to the Province after deducting sundry Charges arising on the Negotiation of Bills of Exchange: the Reason why the said Sums are not converted into Stock will appear from the said Letter. /viz.t/.

London 10: March 1757.

Gentlemen

Our last was the 12: of May 1755. and since then we have not had any from you: This comes to bring the Account Current for the Paper Currency of the Province of Maryland to this Time, the Ballance thereof you will find to be £3299.1.4. on the Credit Side, and also M.r Hunt's Account Current for Payment of small Sums, and the Ballance due from him is £60.15.3—you will please to take Notice we have not any Bills in our Hands that are unpaid: the abovementioned Sum of £3299.1.4. is the Ballance of the Cash Account in the Bank Books in our joint Names, and next Month half a Year's Dividend to the 5.th will be paid on £19580: Capital Stock: you may wonder as the Sum lying dead we have not invested it or some Part thereof as we have from time to time heretofore done but as the Times lately and still, are so precarious we thought it better to refer it as we have done, notwithstanding the Loss of the Interest, the Price of the Stock is at 119: ꝑ. Cent. and doubt will shortly be lower, We shall act to the best of our Judgments for the Country's Interest at all Times, and are Gentlemen. p. 347

Your very humble Servants

W.m Hunt. J: Hanbury.

To the Commissioners of
the Paper Currency of Maryland.

Your Committee further considering the Irregularity of the Books and Accounts of the said Office humbly offer it as their Opinion, that unless the said Books and Accounts are reduced to and for the future kept in the Italian Method it will be extremely difficult if not impossible for any Committee during the Sitting of Assembly to make so full an Enquiry into the State and Condition of the said Office as the public Security seems to require. All which is submitted to the Consideration of both Houses of Assembly this 8.th of May 1758.

Samuel Chamberlaine
Walter Dulany
Michael Earle
Rob.t Lloyd
John Bracco
Alex:r Williamson
Matthew Tilghman
Brice Beale Worthington
John Hanson

[And also the following Report]

U. H. J.
Liber No. 35
May 8

At a Committee of both Houses of Assembly appointed to inspect the Office & Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly

Were present

The honourable Samuel Chamberlaine Esq: of the Upper House.

Mess.^{rs} Walter Dulany, Michael Earle, Rob.^{t} Lloyd, John Bracco, Alexander Williamson, Matthew Tilghman, Brice T. Beal Worthington & John Hanson of the Lower House.

Who make Choice of, and appoint the honourable Samuel Chamberlaine Esq: Chairman and Richard Dorsey their Clerk.

Your Committee having inspected and examined the several Accounts of the said Office relating to the Payments, Impositions, and Duties directed to be paid & imposed by an Act entitled, An Act for granting a Supply of £40000: for his Majesty's Service and striking £34,015.6.0: thereof in Bills of Credit and raising a Fund for sinking the same do find that there remains in the Iron Chest N.° 2. a Ballance of £8429.19.3⅛. as will appear by the following Account £3670.10.0. whereof is appropriated to the Payment for Indian Scalps and Prisoners £2. of other Appropriations unexpended, & £4757.9.3⅛: to be applied towards replacing the Sum of £5984.14.0: by the aforesaid Act to be paid out.

p. 348

D.^{r} The Office for emitting Bills of Credit established by Act of Assembly on Account of the Money emitted by the Act for granting a Supply of £40000: for his Majesty's Service.

	£	s	d
To Money taken out of Iron Chest N.°1	5984..	14..	0.
To ditto emitted which was signed in the Office & not circulated	4015..	6..	0.
To ditto printed by Jonas Green...............	30,000..	0..	0.
	£40,000..	0..	0
To Mony paid by several Registers and County Clerks for the Duty on Writs 1. to 6. February 1758.	566..	3..	0¾
To D.° by the Collectors for the Excise on Liquors to same Time.........................	1943..	10..	1⅝
To D.° by the Sheriffs for the Tax on Batchellors to same Time..........................	606..	10..	6.
To D.° by D.° for the Tax on Billiard Tables to same Time	40..	19..	0.
To D.° by the Collectors for the Land Tax in same Time	1602..	11..	7.

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To D.° by John Caille Clerk of Dorchester County for the Duty on a House in same Time........	1..19.. 0.
To Ditto by Stephen Bordley Naval Officer of Annapolis for the Duty on Pitch in same Time...	0.. 1.. 5½
To Mony paid by Stephen Bordley Naval Officer of Annapolis for the Duty on Turpentine in same Time	2.. 6.. 9½
To Mony paid by Ditto for the Duty on Tax in same Time	4..12.. 7½
To Mony paid by Ditto for the Duty on a Negro in same Time............................	0..19.. 6.
To Mony paid by Thomas Chamberlaine Deputy Naval Officer of Oxford for the Duty on a Negro in same Time.....................	0..19.. 6.
	£44770..13.. 1⅞

C.r

By Mony paid his Excellency Horatio Sharpe Esq.r	630.. 2.. 8.
By Mony paid ditto........................	250.. 0.. 0.
By Mony paid ditto........................	500.. 0.. 0.
By Mony paid the Agents..................	34947.. 7.. 4.
By Mony paid William Thomas Rent Roll Keeper for Part of his Commission on the Ballances of the Collectors of the Land tax on the Eastern Shore their Accounts.....................	13.. 3..10¾
By Ballance in Iron Chest N.° 2:..........	8429..19.. 3⅛.
	£44,770..13.. 1⅞.

p. 349 That Joseph Simm Clerk of Prince George's County, William Ireland Clerk of Calvert County and Michael Macnemara Register of the Prerogative Office have neglected to render Account of and pay into the Office the Duty on Stamps and Writs &.c for one half Year ending 25. of February 1758. and that Richard Ward Key Clerk of Saint Mary's County has neglected to pay into the said Office the said Duty for one Year ending on the Time aforesaid, and to render Account thereof for the last half Year

That Jonathan Nicholls Collector of Queen Ann's County and George Milligan Collector of Cecil County have neglected to render Account of and pay to the Commissioners or Trustees of the said Office the Excise on Liquors to 25.th of March 1758: That Meveril Locke and John Fendall, Collectors for Saint Mary's and Charles Counties have neglected to render Account of and pay as aforesaid the aforesaid Duty for one half Year ending the 25.th March 1758. that John Dennis junior Collector of Worcester County has rendred no

Account of or paid any Mony for the Excise aforesaid since 20.th of June 1757.

U. H. J.
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May 8

That Hercules Coutts Collector of Kent County has rendered no Account or paid any Money on the Land tax since Nov.r 1756. nor rendred any Account nor paid any Money for the Excise on Liquors since 29.th Sep.r 1757. and that the said Coutts as Sheriff of the said County has neglected to pay the Duty on Billiard Tables for the Year 1757.

That William Hedges late Sheriff and Collector of Cecil County and William Raisin late Sheriff and Collector of Kent County have never returned any Acco:t of, or paid any Mony on any of the Funds raised by the £40000: Act.

That James Dickson Collector of Frederick County has returned no Account or paid any Money for Excise on Liquors since 29. of Sep.r 1757. nor any Mony on Account of the Batchellor's Tax for the Year 1757. or rendered any List of Batchellors for that Year.

All which is submitted to the Consideration of both Houses of Assembly this 8.th Day of May 1758.

Samuel Chamberlaine	Robert Lloyd	Matt. Tilghman
Walter Dulany	John Bracco	Brice T: B: Worthington
M.r Earle	Alex:r Williamson	John Hanson

Adjourned 'till to Morrow Morning 10: o' Clock

Tuesday Morning 9. of May 1758.

May 9
p. 350

This House met again according to Adjournment

Present as Yesterday

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess.rs Williamson and Deye with the Bill for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly.

By the Lower House of Assembly 9:th May 1758.

May it please your Honours

When we received the Bill you sent us the 19.th of last Month for reducing the Allowances of the Members of the Upper and Lower Houses of Assembly which we now return you without suffering it to be read a second Time, we had had some Time under our Consideration the Bill entituled, An Act for reducing the Allowances of the Councillors Deputies and Delegates that shall serve in the

U. H. J. Liber No. 35 May 9 General Assembly the Judges of the Court of Appeals, and the Commissioners of the Provincial and County Courts of this Province, for ascertaining the Allowances of the Clerks and other Officers of both Houses of Assembly, and securing the Independency of the said Deputies and Delegates, and other Purposes therein mentioned.

We did not think proper to lay by our Bill which you may see by the Title was so much better calculated for the good Purposes intended to make Way for yours', and therefore sent it up to your Honours; but we think ourselves obliged now in Order to put a Stop to your sending down to this House any more Bills relative to the imposing or altering Taxes, to let you know that if any such shall hereafter be sent to us they shall be rejected upon a View of the Title, as it is the undoubted Right of this House that all Bills relative to Taxes should take their Rise here.

Signed ꝑ. Order M Macnemara Cl. Lo. Ho.

The several Paper Bills the Originals of which have passed both Houses this Session are sent to the Lower House by Col: Henry

Adjourned 'till to Morrow Morning 10. o' Clock

May 10 Wednesday Morning 10. May 1758.

p. 350[a] This House met again according to Adjournment

Present as Yesterday

Read the Petition of the Acadians now being in the City of Annapolis praying Relief and ordered to lye on the Table.

Adjourned 'till three of the Clock in the Afternoon.

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

His Excellency is pleased to send to this House the following Message.

Gentlemen of the Upper House of Assembly.

Inclosed is a Copy of a Message that I sent to the Gentlemen of the Lower House yesterday in the Afternoon upon their sending two Members to tell me that the Lower House had no Business before them, also an Address which the Gentlemen of the Lower House were just now pleased to present to me by way of Answer to the Message abovementioned, I submit them both to your Consideration entertaining the most sanguine Hopes that you will not hesitate or delay to take such Measures as you may judge expedient or necessary to bring about the Passage of a Supply Bill at this critical Juncture and that I shall not find myself under a Necessity of putting an End to this Session before we have complied with his Majesty's Requisition signified to us by M.r Secretary Pitt's Letter and granted such Aids as may be reasonably expected from this Province. U. H. J. Liber No. 35 May 10

Hor.o Sharpe

the 10.th of May 1758.

Gentlemen of the Lower House of Assembly.

[This Message printed in full in Lower House Journal pp. 678-679]

To his Excellency Horatio Sharpe Esq.r Governor and Commander in Chief in and over the Province of Maryland. p. 351

The humble Address of the House of Delegates.

May it please your Excellency

[This message printed in full in Lower House Journal pp. 681-683]

The following Message is sent to the Lower House by Samuel Chamberlaine Esq.r p. 353

By the Upper House of Assembly 10.th of May 1758.

Gentlemen

As we are extremely anxious to bring about the Passage of a Bill to answer the important Purposes which occasioned our Meeting at this Time & as you give us now some Room to hope in your Message communicated to us by his Excellency the Governor that you are inclined to agree to a general and free Conference with us upon the whole Bill we are willing to observe and do propose this Course to bring about an Agreement between the two Houses upon which the Honour and Credit of the Province, and the Ease and Tranquillity of the People particularly at this Crisis so much depend, if therefore Gentlemen you'll agree to this Proposition, name your Conferrees and acquaint us therewith, we shall without Delay name ours'.

Signed ꝑ. Order J Ross Cl. Up: Ho.

Adjourned 'till to Morrow Morning 10 'o Clock.

Thursday Morning 11.th May 1758. May 11

This House met again according to Adjournment

Present as Yesterday /except Col. Hammond/ p. 354

A Message from the Lower House by Mess.rs Tilghman & Carroll

By the Lower House of Assembly May 11.th 1758.

May it please your Honours

We cannot find by our Address of Yesterday to his Excellency, or by any Message from this House to your Honours that we have

U. H. J. Liber No. 35 May 11 given you any Reason to hope that we were inclined to agree to a general and free Conferrence with you on the whole Bill as you proposed by your Message of yesterday, this we apprehend to be inconsistent with our Rights, and it was always far from our Intention, and therefore we cannot accept your Proposal: however that nothing may be wanting on our Part that can be reasonably desired of us and that we may further manifest the earnest Desires we have so often repeated to promote to the utmost of our Power every Thing that might contribute at this important Crisis to bring about the Passage of a Bill, on which the Honour & Credit of the Province & the Safety and Tranquillity of the People so greatly depend, we shall agree to a Conference upon the Subject Matter of your Objections mentioned in your Message of 18.th April last, as was done in the Case of the £40,000: Bill, and that no Time may be lost we have named Col: Tilghman M.r Matthew Tilghman, M.r Murdock M.r Lloyd, M.r Carroll and M.r Edward Dorsey to join such Members your Honors may be pleased to name for that Purpose.

Signed ꝑ. Order M Macnemara Cl Lo Ho

The following Message is sent to the Lower House by Col: Benj.n Tasker

By the Upper House of Assembly 11.th of May 1758.

Gentlemen

We have named Col: Benjamin Tasker, Col: Robert Jenckins Henry and Daniel Dulany Esq: to join the Gentlemen appointed by your House in a Conferrence upon the several Matters contained in our Message of the 18.th of April last who will be ready to attend immediately

Signed ꝑ. Order J Ross Cl. Up. Ho.

Adjourned 'till three o' the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess.rs Lloyd and Murdock.

p. 355 By the Lower House of Assembly 11.th of May 1758.

May it please your Honours.

As you do not by your Message of this Afternoon agree to confer with us on the Terms we proposed in our Message of this Morning we must repeat that we are ready to confer with you upon the Subject Matter of our Objections mentioned in your Message of

18.th of April last, to which if your Honours agree, our Conferrees will immediately join the Conferrees of your House. U. H. J. Liber No. 35 May 11

Signed ꝑ. Order M Macnemara Cl Lo Ho

The following Message is sent to the Lower House by Col: Tasker.

By the Upper House of Assembly 11.th of May 1758.

Gentlemen.

What we meant by our Proposition to confer with you upon the sev:l Matters contained in our Message of the 18.th of April last we thought was too obvious to admit of the least Doubt, but since you require a further Explanation we shall endeavour to give it—In our Message of the 18.th of April are these Words viz.t Thus—" Gentlemen we have frankly pointed out for your Satisfaction, our most material Objections thinking it unnecessary to enumerate the consequent one's to dependent Clauses, or minutely to consider, and remark upon the Style or Expressions of the Bill." We are then Gentlemen willing to agree to a Conferrence upon the Matter or Subject Matter of the Objections we made in our Message of the 18.th April last & likewise the Matter or Subject Matter of such Clauses in your Bill as have a Relation to or Dependence upon those Parts of the Bill, and also upon the Style & Expressions of the Bill, so as that any Defects which may appear therein may be corrected upon these Terms we are willing to confer with you, and upon none other.

Signed ꝑ. Order MMacnemara Cl. Lo. Ho.

Adjourned 'till to Morrow Morning 10. o' Clock

Friday Morning 12.th of May 1758. May 12

This House met again according to Adjournment

Present as Yesterday /except Col: Hammond/

Adjourned 'till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned 'till to Morrow Morning 10. o' the Clock

Saturday Morning 13. of May 1758. May 13

This House met again according to Adjournment p. 356

Present as Yesterday

Col: Tasker from the Conferrence appointed by the honourable the Upper and Lower Houses of Assembly May 12.th 1758. brings in the following Report.

U. H. J. Liber No. 35 May 13 At a Conferrence appointed by the honourable the Upper and Lower Houses of Assembly May 12.th 1758. and met at the House of M.r Andrew Buchanan were present.

The honourable
Benjamin Tasker jun.
Rob.t Jenckins Henry
&
Daniel Dulany Esq.r
Members of the Upp: Ho:

Col: Edward Tilghman, M.r Matthew Tilghman, M.r Rob.t Lloyd M.r William Murdock, & M.r Charles Carroll Members of the Lower House.

Who make Choice of the honourable Benjamin Tasker jun.r Esq.r Chairman and Basil Dorsey junior Clerk.

The Conferrees adjourned till three o' Clock post Meridiem & met according to Adjournment.

The Conferrees of the Upper House propose to proceed first on the four Objections to the Bill contained in their Message of the 18.th of April, relative to the Nomination of Commissioners, the double Tax upon Nonjurors, the Tax upon Officers, and the Tax upon his Lordship's Quit Rents; to this the Conferrees of the Lower House answered they had nothing to object to proceeding first on those four Points, but that as their Address of the 10.th of May to the Governor, in which is mentioned as follows "The unalterable Adherence of the Upper House to their Objections against the most material Points of that Bill, which is founded upon Principles the most reasonable and equitable, and their declining to proceed in a Mode lately made use of between the two Houses on a similar Occasion, notwithstanding we have conceded so far as to declare to them our Willingness thereto, leaves us not the least Room to hope that any one good End can be obtained from our remaining any longer here at this Time unless we could be induced to believe that the Gentl.n of the Upper would recede from their Resolutions" was made the Foundation of the Proposal of a Conferrence by the Upper House, they expected the Conferrees of that House would have receded from their Resolution on those Points or have made some Concessions

To which the Conferrees of the Upper House reply that they
p. 357 were not authorized nor could they agree to confer but upon the Terms of their Message which produced the Conferrence that is, to confer upon the Subject Matter of the Objections made in the Message of the 18.th of April last, and likewise the Subject Matter of such Clauses in the Bill as have a Relation to or Dependence upon those Parts of the Bill to which the Upper House had objected in their said Message and also upon the Style and Expression of the Bill, and agreeable to this Message they were willing to proceed upon the Conferrence and not otherwise.

It was therefore agreed to proceed and to begin with the Objection relative to the Nomination and Appointment of the Commissioners, and the Conferrees of the Upper House declare that they will not agree to the Nomination of Commissioners as the same is in the Bill insisting that the Lower House cannot of Right demand the sole Nomination of Commissioners in a Bill imposing a Tax as the Bill under Consideration does, and propose that the Justices of the several and respective County Courts be Commissioners within the respective Counties, or that a Number to be agreed upon by both Houses be appointed by the said Justices out of their Number to execute the Duty of Commissioners or that a Number of Commissioners in each County be agreed upon as aforesaid one half to be appointed by the Governor and Council the other Half to be appointed by the Lower House, saving to each Side the Right of making all just and reasonable Objections to the Persons to be nominated in Lists to be exchanged on both Sides. Upon which the Conferrees of the Lower House recur to their House to communicate the said Propositions, and having returned declare that the Lower House unanimously refuse to accept of any of them, whereupon the Conferrees of the Upper House say that they have no further or other Proposition to make upon this Head—The Conferrees adjourned 'till 9.° Clock Saturday Morning and met according to Adjournment. The Conferrees of the Lower House acquaint those of the Upper House that if they have anything further to offer upon this Conferrence they are read to leave it—to which the Conferrees of the Upper House say they have nothing further to propose but are ready to receive and consider any Proposals from them, to which the Conferrees of the Lower House make Answer that the Conferrence was proposed by the Upper House and opened by their Conferrees and they are ready to receive any further Propositions the Conferrees of the Upper House have to make: the Conferrees of the Upper House making no further Proposals this Conference endeth. U. H. J. Liber No. 35 May 13

Signed ꝑ. Order Basil Dorsey jun.^r Cl.

Mess.^rs Goldsborough and Gantt from the Lower House acquaint the Governor their House hath not any Business before them

Benjamin Tasker Esq.^r attended by the Members of this House presents to his Excellency their Address which follows in these Words. p. 358

To his Excellency Horatio Sharpe Esq. Governor and Commander
in Chief in and over the Province of Maryland.
The humble Address of the Upper House of Assembly

May it please your Excellency

Your Excellency can't be affected with a deeper Concern at the unhappy Conclusion of this Session than we are.

U. H. J. Liber No. 35 May 13

The Duty we owe to our most gracious Sovereign, our immediate Interest in the Event of an Expedition directed for our Protection, the Honour and Credit of the Province and the Ease and Tranquillity of the People we flattered ourselves would suggest to their Delegates Motives of too animating and powerful a Nature to yield to any Party Views, but we are extremely sorry to have so much Reason to complain that at this Time when every Subject of Dispute ought to be carefully shunned Points are pertinaciously insisted upon by them which the most sanguine in a settled and quiet State of Affairs would hardly presume to hint, as if this thro' a fatal Misconception of the Interests of the People/ was deemed to be the proper Season for extorting Concessions which could not be made without introducing a new System of Government, and vesting almost an unlimited Power in the Lower House.

When we were called upon by the Lower House for our Objections to the Supply Bill we communicated them without Reserve and hoped that the plain and inoffensive Manner in which we complied with this Request would have produced a candid Discussion and amicable Settlement, but in this we were disappointed for instead of answering with Temper they thought proper to insult us with Contumely and affrontive Insinuations, but even this ill Treatment we should have repressed our Resentment of had they not also declared to us their Resolution that they would not listen to any Overtures for a general and free Conference, the only means which remained for conciliating or moderating a Diversity of Sentiments.

If the Authority challenged by them had been acknowledged by us there would be little Occasion for an express Resolve that this House is an unnecessary Branch of the Legislature, and the next Step might be to controul the Supreme Magistrate in his Exercise of the executive Power measure out the Duty of Obedience to Government by the particular Convenience of each Individual, and awe and intimidate the ordinary Jurisdictions by resolving standing Laws to be null and void, or publishing Constructions of them to regulate the Conduct of the Subject, and the Determination of his Judges.

p. 359 We are far from insinuating that a Design big with so much Mischief is harboured by the present Members, we would hope that their Prudence and Humanity would restrain them from pursuing a Measure which could tend only to insnare the Ignorant who not distinguishing between the impotent Vehemence of Resolves and the indispensible Obligation of the Laws might imagine that the former would screen Delinquents from the necessary Penalties of the latter, but when a Spirit of Innovation is encouraged in it's Progress Men are hurried into unforeseen Extravagancies, and therefore we are persuaded that your Excellency and all considerate and impartial Persons will rather applaud than censure our Conduct in rejecting a Bill framed upon Principles destructive of the Credit of the Province, derogatory to the Rights of Government, and subversive of our Constitution.

U. H. J.
Liber No. 35
May 13

Upon your Excellency's communicating to us the Address of the Lower House of the 10.th Instant in which they seemed to insinuate that we had declined to enter into a Conference with them, we proposed to confer with them which they agreed to, but all Propositions we could make to induce them not to insist upon the sole Nomination of the Commissioners vested with the very extensive and dangerous Powers conferred by the Bill were rejected, & no Proposition having been made by them upon this Head, tho' we declared our Willingness to receive and consider any they would please to make the Conferrence proved ineffectual. The Propositions we made upon the Conferrence, and which were rejected by the Conferrees of the Lower House were that the Justices of the several and respective County Courts might do the Duty of Commissioners, or that a Number to be agreed upon by the two Houses might be appointed by the said Justices out of their Number for this Purpose, or that a Number of Commissioners in each County might be agreed upon by both Houses, one half of these to be appointed by the Governor and Council, the other Half by the Lower House saving to each Side the Right of making all just and reasonable Objections to the Persons who might be nominated in Lists to be exchanged on both Sides

The Concessions we were willing to make, and our yielding to the Mode of raising Mony by an Assessment upon all Estates real and personal in the very extraordinary Manner proposed by the Lower House nothing but the present very pressing Exigency of Affairs could have drawn from us, as we are convinced that such a Method of taxing is as unsuitable to the Circumstances of the People as it is repugnant to the settled and established Usage of this Province from its first Settlement.

As we have not Time to give your Excellency a fuller Satisfaction now we must beg Leave to refer you to the Bill we rejected and our Messages as well as those of the Lower House for our Vindication, and indeed we wish that all who are interested in the Proceedings of this Assembly and desirous of investigating the true Cause of it's unhappy Issue would take the Trouble of perusing them for we are less apprehensive of being condemned upon a full Information, than thro' a Partial Representation of Facts. p. 360

May 13. B Tasker Presid.t

Samuel Chamberlaine Esq.r and Col. Lloyd are sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House in the Upper House to see the Bills passed both Houses this Session receive the Assent.

The Lower House attend and by their Speaker present to his Excellency the following Bills /the Act for Encouragement of a

U. H. J. Liber No. 35 May 13

Party of Cherokee Indians which have been some time on the Frontiers of this Province, and for Payment of the reasonable Expences of their Interpreter and Conductor, and the aiding supplementary Act to an Act entituled, A supplementary Act to an Act entituled, An Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of S.t George's Parish in that County a Sum of Mony for the Uses therein mentioned & having passed before./

An Act to make it pænal to forge or counterfeit the Bills of Credit of Virginia Pensilvania, New York, East or West Jersies, or the three lower Counties on Delaware called Newcastle, Kent and Sussex or to utter or tender the same in Payment within this Province knowing them to be such.

An Act entitled, An Act to repeal Part of an Act, entitled, An Act repealing Part of an Act laying an Imposition on Negroes, and on several Sorts of Liquors imported, and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province, and to lay a Duty upon Rum Spirits Wine & Brandy imported into this Province from Pensilvania or the three lower Counties on Delaware called Newcastle Kent and Sussex.

A supplementary Act to an Act entitled, An Act for granting a Supply of £40000. for his Majesty's Service, and striking £34015.6.0: thereof in Bills of Credit and raising a Fund for sinking the same.

All which his Excellency passed into Laws in the usual Form by sealing them with the Right honourable the Lord Proprietary his great Seal at Arms and subscribing them on Behalf of the Right honourable the Lord Proprietary of this Province I will this be a Law.

After which his Excellency was pleased to conclude this Session with the following Speech

Gentlemen of the Upper and Lower Houses of Assembly

I have thought fit with the Advice of his Lordship's Council of State to prorogue this Assembly to Monday the 24.th Day of June next, you are therefore to take Notice that you are prorogued to that Day accordingly

Thus ends this Session of Assembly begun and held at the City of Annapolis on Tuesday the 28.th Day of March, ending the 13.th Day of May following, in the eighth Year of his said Lordship's Dominion, Annoque Domini 1758.

J. Ross Cl. Up Ho.

PROCEEDINGS

OF THE

LOWER HOUSE OF ASSEMBLY

L. H. J.
Liber No. 50
1758,
Mar. 28
p. 1

At a Session of Assembly held at the City of Annapolis, on Tuesday the 28th Day of March, in the Seventh Year of the Dominion of Frederick, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. and in the Year of our Lord, One Thousand Seven Hundred and Fifty-eight (his Excellency Horatio Sharpe, Esq; being Governor), the following Delegates appeared in the Lower House of Assembly;

The Honourable Col. Henry Hooper, Speaker.

For St. Mary's County,

Mr. George Plater.

For Kent County,

Alexander Williamson, Esq;
Major William Hynson.

For Anne-Arundel County,

Mr. Charles Carroll,
Mr. Brice Thomas Beale Worthington.

For Calvert County,

Mr. Thomas Reynolds,
Mr. Edward Gantt.

For Charles County,

Mr. John Hanson, junior,
Capt. George Dent.

For Talbot County,

Mr. John Goldsborough,
Mr. Matthew Tilghman,
Mr. Edward Oldham.

For Baltimore County,

Mr. William Govane,
Mr. Thomas Cockey Deye,
Mr. Samuel Owings.

For Cæcil County,

Mr. Michael Earle.

For the City of Annapolis,

Mr. Walter Dulany,
Mr. Henry Woodward.

For Prince-George's County,

Mr. William Murdock,
Mr. George Fraser,
Mr. Thomas Gantt.

For Queen-Anne's County,

Mr. Robert Lloyd,
Col. Edward Tilghman,
Mr. John Bracco.

For Worcester County,
Major Benjamin Handy.

For Frederick County,

Capt. Joseph Chapline,
Mr. Edward Dorsey,
Mr. Thomas Beatty,
Col. Thomas Cresap.

L. H. J. Liber No. 50 Mar. 28 A sufficient Number of Delegates to compose a Lower House of Assembly, being convened at the Stadt-House; Ordered, That Mr. Goldsborough and Mr. Plater do acquaint his Excellency the Governor therewith. They return and acquaint Mr. Speaker, That they delivered the Message.

Colonel Hammond, and Samuel Chamberlain, Esq; from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of the Lower House immediately in the Upper House.

p. 2 Mr. Speaker left the Chair, and (with the Rest of the Members of the Lower House) went to the Upper House; where his Excellency made a Speech to both Houses of Assembly; a Copy of which he delivered to Mr. Speaker; also a Copy of a Letter from Mr. Secretary Pitt, and a Copy of a Letter from General James Abercrombie, directed to the Governor of Maryland.

Mr. Speaker (with the other Members) returned to the Lower House, and re-assumed the Chair.

Ordered, That his Excellency the Governor's Speech be Read; which was accordingly in the following Words:

Gentlemen of the Upper and Lower Houses of Assembly,

[This Message printed in full in Upper House Journal pp. 467-468]

Ordered, That Mr. Secretary Pitt's Letter be Read; which was in the following words.

Whitehall 30th December, 1757

Sir

His Majesty having nothing more at heart than repair the.......

[Letter printed in full in Upper House Journal pp. 469-470]

p. 7 Ordered, That General Abercrombie's Letter be Read; which was in the following words.

[This letter printed in full in Upper House Journal pp. 470-471]

Resolved, That the Rules ordered to be observed by the several Members of this House last Session, be observed as such during this Session.

Resolved, That the Hours of Sitting this Session, for Dispatch of Public Business, be from Eight of the Clock in the Morning until One, and from Two of the Clock Afternoon until Six.

p. 8 Ordered, That Mr. Goldsborough do acquaint the Reverend Mr. Clement Brooke, That he is requested to Read Divine Service at Three Quarters of an Hour after Seven in the Morning, and at Six of the Clock in the Evening, during this Session.

On Motion, his Excellency's Speech was again Read.

Ordered, That an Address be prepared in Answer thereto; and that Mr. Murdock, Colonel Tilghman, Mr. Dorsey, Mr. Lloyd, and Mr. Carroll, do prepare and bring in such Address.

On Motion, Ordered, That the Serjeant at Arms attending the Lower House of Assembly, do summons Mr. John Reeder, Mr. Henry Greenfield Sothoron, Mr. Edmund Key, Mr. William Rasin, Mr. John Tilden, Philip Hammond, Esq; Capt. John Gassaway, Mr. James John Mackall, Mr. Benjamin Mackall, Capt. Arthur Lee, Mr. Henry Waggaman, Capt. Henry Lowes, Mr. Levin Gale, Mr. Samuel Wilson, Mr. Joseph Cox Gray, Mr. Daniel Sullivan, Mr. Philemon Lecompte, Mr. John Hammond Dorsey, Mr. Nicholas Hyland, Mr. Henry Baker, Mr. Henry Ward, Mr. Francis King, Mr. Emory Sudler, Col. John Scarborough, Col. John Henry, and Mr. Benton Harris, Members of this House, to attend immediately the Public Business; and that the Clerk do make a Copy of this Order, and deliver it to the Serjeant. L. H. J. Liber No. 50 Mar. 28

Mr. Pollard Edmondson having by his Letter (communicated to the House) an Excuse for being absent; therefore his Attendance is for the present dispensed with.

Mr. Stoddert having by his Letter (communicated to the House) an Excuse for being absent, his Attendance for the present is dispensed with.

The House adjourns till the Morrow Morning at 8 of the Clock.

Wednesday, March 29, 1758. Mar. 29

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Benjamin Mackall and Mr. Sothoron appeared in the House.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

As you have frequently made such Declarations as induce me to believe, that you look upon the Cultivating the Friendship of the Southern Tribes of Indians, and Engaging their Assistance against his Majesty's Enemies, as a Matter of very great Consequence to the Common Cause, and the immediate Security of our Frontier Inhabitants, I hope you will now, without any Hesitation, impower me to give the Party of Cherokees that has continued with us ever since November last, such a Reward as might encourage them to remain in the Service to the End of the ensuing Campaign. Most of you were present Yesterday, and heard what Otosity, their Chief, said, when he addressed himself to me in their Behalf. I propose to give him an Answer as soon as you shall be pleased to advise me of your Resolutions, that those of them that are here may be at Liberty p. 9

L. H. J. Liber No. 50 Mar. 29 to return again to the Frontiers, where their Presence will, at this Time, be of great Service, and in all Probability, contribute much to the Security of the Inhabitants.

I lay before you some Accounts from Mr. Gist, for sundry Goods that he has supplied this Party with since they came from home, together with the Accounts of several People that have Victualled Otosity, and the Party now in Town, since they left Fort Frederick; which you will, I hope, with the Concurrence of the other Branches of the Legislature, authorize the Agents to pay.

Hor.° Sharpe.

29th March, 1758.

Which was Read, and Ordered to lie on the Table.

Ordered, That the Gentlemen who were on the standing Committees last Session, be continued thereon this Session.

The House appointed Mr. Dulany, Mr. Earle, Col. Henry, Mr. Lloyd, Mr. Bracco, Mr. Williamson, Mr. Matthew Tilghman, Mr. Worthington, and Mr. Hanson, a Committee to Inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly.

Major Hynson is added to the Committee of Accounts.

The following Message;

By the Lower House of Assembly, March 29, 1758.

May it please your Honours,

This House hath appointed Mr. Dulany, Mr. Earle, Col. Henry, Mr. Lloyd, Mr. Bracco, Mr. Williamson, Mr. Matthew Tilghman, Mr. Worthington, and Mr. Hanson, a Committee from this House to Inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly; and desire your Honours to appoint one or more of the Members of your House to join in the said Committee.

Signed ꝑ Order, M. Macnemara, Cl. Lo. Ho.

p. 10 Was sent to the Upper House by Alexander Williamson, Esq; and Mr. Thomas Gantt.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.

By the Upper House of Assembly, March 29, 1758.

Gentlemen.

This House hath appointed Samuel Chamberlaine, Esq; to join the Members named by your House in a Committee to Inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office.

Signed ꝑ Order, J. Ross, Cl. Up. Ho.

The House adjourns till the Morrow Morning at 8 of the Clock.

Thursday, March 30, 1758.

L. H. J.
Liber No. 50
Mar. 30

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. King appeared in the House.

Col. Tilghman brings in and delivers to Mr. Speaker, an Address to the Governor, in Answer to his Speech; whereupon the Governor's Speech was Read; and the said Address was Read, Approved, and Ordered to be Ingrossed.

On Reading and Considering his Excellency's Message of Yesterday, Resolved, That a Sum not exceeding £300 Currency, be given as a Present to the Cherokee Indians, who have continued in the Service of this Province since November last.

Ordered, That an Address be prepared to his Excellency, to acquaint him with the Resolve this House hath made relative to the Indians; and that Colonel Tilghman, Mr. Dorsey, and Mr. Carroll, do prepare and bring in such Address.

On Motion, Ordered, That a Bill be brought in to apply a Sum not exceeding the Sum of £300 Currency, now in the Hands of the Agents, as a Present to the Indians; and that Colonel Tilghman, Mr. Matthew Tilghman, and Mr. Williamson, do prepare and bring in a Bill accordingly.

Mr. Murdock brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We, his Majesty's most dutiful and loyal Subjects, the Delegates of the Freemen of Maryland, in General Assembly convened, return your Excellency our Thanks for your Speech at the Opening of this Session. p. 11

It affords us the greatest Satisfaction, that your Excellency, in Obedience to a Letter from the Right Honourable William Pitt, Esq; one of his Majesty's principal Secretaries of State, has given us once more an Opportunity of exerting our sincere Endeavours for his Majesty's Service, the Defence and Safety of this Province, and the Ease and Quiet of the good People thereof.

We shall immediately take that Letter, and one from General Abercrombie, by your Excellency laid before us, under our most serious Consideration; and hope our Determinations thereupon will evince, that the fresh Instance his Majesty has given of his paternal Care and Solicitude for the Preservation and Welfare of these Colonies, has made the due Impressions on us; and that we are extremely

L. H. J. Liber No. 50 Mar. 30 anxious to preserve the good Opinion he has been favourably pleased to entertain of his faithful and truly loyal Subjects, the Inhabitants of Maryland.

We are duly sensible of the Interest this Province has in the Event of the ensuing Campaign; and we shall, with the greatest Chearfulness, do every Thing that can be reasonably expected of us towards strengthening the Hands of Brigadier Forbes with such Succours, as may enable him to answer our most Gracious Sovereign's Expectation, and speedily deliver us from the Dangers which are hanging over us. And we shall entirely rely on the Recommendations his Majesty has been graciously pleased to assure us shall be made to Parliament, in their Session next Year, to grant a proper Compensation for the Expences that his good Subjects of this Province may be at, in an extraordinary Exertion of their Force.

And permit us, Sir, on this Occasion to acknowledge our Gratitude to our Most Gracious Sovereign, for his truly wise and patriot Regulation, which impowers your Excellency to issue Commissions to such Gentlemen of this Province, as you shall judge, from their Weight and Credit with the People, and their Zeal for the Public Service, may be best disposed and enabled to quicken and effectuate the speedy Levying the greatest Number of Men. A Measure, which we hope will not fail of having the desired Effect; and that Men, really fit for his Majesty's Service, from their near Connections and intimate Acquaintances with the Gentlemen which will be put into Commissions, will be induced to inlist and enter freely, upon an Enterprize in which they are to follow the Fortune, and share the p. 12 Fate of their Friends and Neighbours, and that under the Command of those, in whose known Justice, Humanity and Bravery, they can confide.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Lloyd, and Mr. Dulany, do acquaint the Governor, that this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, that the Governor signified he would receive the Address in a Quarter of an Hour's Time, in the Conference Chamber.

Ordered, That Mr. Goldsborough, with Twelve more, do present the Address to his Excellency.

On Motion, Resolved, That this House will (Afternoon) take into Consideration Mr. Secretary Pitt's and General Abercrombie's Letters, communicated by his Excellency to this House.

Mr. Carroll brings in and delivers to Mr. Speaker, an Address to the Governor; which was Read, Approved, and ordered to be Ingrossed.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz. L. H. J. Liber No. 50 Mar. 30

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland:
The humble Address of the House of Delegates.

May it please your Excellency,

Upon Consideration of your Message of Yesterday, this House has come to a Resolution to apply the Sum of Three Hundred Pounds, out of the Money now in the Hands of the Agents, as a Present for those Cherokee Indians that your Excellency has been pleased to inform us, have continued with us ever since November last, to be laid out by the said Agents, with your Approbation, in such Goods as may be most proper to be presented to them, and also to make such Allowances as shall be thought reasonable, for defraying the Expences of the Interpreter, Conductor, and the Indians now in this City. And we shall immediately prepare a Bill for those Purposes, which we hope will evince the Sincerity of our frequent Declarations, that we look upon the cultivating the Friendship of the Southern Tribes of Indians, and engaging their Assistance against his Majesty's Enemies, as a Matter of very great Consequence to the Common Cause, and the immediate Security of our Frontier.

The Accounts your Excellency has been pleased to send, with that Message, shall, as soon as we conveniently can, be taken into Consideration. p. 13

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Matthew Tilghman, and Mr. Benjamin Mackall, do acquaint the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address immediately in the Council Chamber.

Ordered, That Mr. Murdock, with Five more, do present the Address.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Murdock, one of the Agents appointed by the Acts of Assembly for granting Supplies for his Majesty's Service, brings in the several Books of Accounts relating thereto.

The House appointed Mr. Bracco, Mr. Earle, Col. Cresap, Mr. Plater, Mr. Hanson, Mr. Sothoron, Mr. Wilson, and Mr. John Hammond Dorsey, a Committee to inspect the Accounts of the Agents appointed by the several Acts of Assembly, for raising Money for his Majesty's Service.

L. H. J. Liber No. 50 Mar. 30 The House having under Consideration the making Provision for the necessary Expence, and a Present for the Cherokee Indians, some of whom are now in Town, and desirous to return to the Frontiers, the Consideration of the Secretary of State's Letter and General Abercrombie's are referred till the Morrow Morning.

The House adjourns till the Morrow Morning at 8 of the Clock.

Mar. 31 Friday, March 31, 1758.

The House met according to Adjournment: The Members were Called, and all appeared as Yesterday. The Proceedings were Read.

Philip Hammond, Esq; Mr. Gassaway, Mr. Gale, and Mr. Baker, appeared in the House.

Col. Tilghman brings in and delivers to Mr. Speaker, a Bill, entitled, An Act for Encouragement of a Party of Cherokee Indians, which have been some Time on the Frontiers of this Province, and for Payment of the reasonable Expences of their Interpreter and Conductor; which Bill was Read the first and second Time by an especial Order, and will pass; and was sent to the Upper House by Alexander Williamson, Esq; and Major Handy.

p. 14 The Order of the Day being Read; Ordered, That the Secretary of State's Letter, and that of General Abercrombie's, and his Excellency's Speech, be Read; which were accordingly.

On Motion, the Question was put, Whether 800 or 1000 Men be raised by this Province, to act under the Command of Brigadier General Forbes, in Conjunction with his Majesty's regular Forces. Resolved, That One Thousand Men be raised.

For One Thousand Men,

Plater,
Sothoron,
Williamson,
Hynson,
Worthington,
B. Mackall,
E. Gantt,
Dent,
Gale,
Goldsborough,
Oldham,
Govane,
Owings,
Earle,
Baker,
Dulany,
Woodward,
Bracco,
Chapline,
Beatty,
Cresap. [21]

For Eight Hundred Men,

Hammond,
Gassaway,
Carroll,
Reynolds,
Hanson,
M. Tilghman,
Cockey Deye,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Handy,
E. Dorsey. [15]

L. H. J.
Liber No. 50
Mar. 31

On Motion, Resolved, That a Number not exceeding 200 Men be raised, to act as Rangers, for the immediate Protection and Defence of this Province.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for Encouragement of a Party of Cherokee Indians, which have been some Time on the Frontiers of this Province, and for the Payment of the reasonable Expences of their Interpreter and Conductor; Indorsed, "By the Upper House of Assembly, 31st March, 1758. Read the first and second Time by an especial Order, and will Pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Which Bill was Read here, and Passed for Ingrossing.

On Motion, the Question was put, That the Sum of Ten Pounds Bounty Money be paid to each Soldier, who shall enlist to serve under the Command of Brigadier General Forbes. Resolved in the Negative.

For the Affirmative,

Plater,
Sothoron,
Williamson,
Hynson,
E. Gantt,
Gale,
Govane,
Baker,
Dulany,
Woodward,
E. Tilghman,
Bracco,
Chapline,
E. Dorsey,
Beatty,
Cresap.

[16]

For the Negative,

Hammond,
Gassaway,
Carroll,
Worthington,
B. Mackall,
Reynolds,
Hanson,
Dent,
Goldsborough,
M. Tilghman,
Cockey Deye,
Owings,
Earle,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
Handy.

[19]

On Motion, Resolved, That the Sum of £10 be paid to each Officer, for each able-bodied Man that shall be enlisted by him, and shall pass Muster, to serve under the Command of Brigadier General Forbes. p. 15

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Wilson and Mr. Sulivane appeared in the House.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, an ingrossed Bill, entituled, An Act for Encouragement of a Party of Cherokee Indians, which have been some Time on the Frontiers of this Province, and for the Payment of the reasonable Expences of

L. H. J. Liber No. 50 Mar. 31 their Interpreter and Conductor; which was Read and Assented to, and sent to the Upper House, with the Paper Bill, by Mr. Dorsey and Major Hynson.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

I am glad to find by the first of your Yesterday's Addresses, that the Instances of his Majesty's paternal Care for us, mentioned in the Letter that I laid before you, a due Sense of the Interest this Province hath in the Event of the ensuing Campaign, and the King's gracious Promise to recommend it to Parliament, to grant a proper Compensation for the Expences that his good Subjects in these Colonies may be put to this Summer by an extraordinary Exertion of their Force, have made a suitable Impression on you; and I return you Thanks for the Assurance you are pleased to give me, that, with the greatest Chearfulness, you will do every Thing that can be reasonably expected from you, as Representatives of the People of Maryland.

Though I did not think it necessary to mention it in my Speech at the Opening of this Session, yet it was not without Pleasure that I read that Part of Mr. Secretary Pitt's Letter, where he seems to recommend it to the several Governors to give Commissions to such Gentlemen of their respective Provinces, as from their Weight and Credit with the People, and their Zeal for the Public Service, may be best disposed and enabled to quicken and effectuate the speedy Levying of a Number of Men; because it is a Measure, which (as you know) I have hitherto taken when Men have been wanted in this Province, and indeed it has not hitherto failed of having the desired Effect: Besides I always thought that those Persons were most likely to behave well in Defence of their Country, whose Interest in it was considerable, their Friends and Relations numerous; and the Commendation that Brigadier General Stanwyx (who had the immediate p. 16 Command of the Maryland Forces last Summer) was pleased to give the Officers to the Earl of Loudoun and Myself, confirms me in that Opinion.

Hor.° Sharpe.

On Motion, Resolved, That the Sum of £40,000 be raised for his Majesty's Service, and for the immediate Protection and Defence of this Province.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, a Petition of sundry Waggoners; Indorsed, "By the Upper House of Assembly; Referred to the Consideration of the Lower House of Assembly;" which Petition was Read here, and Ordered to lie on the Table.

On Motion, the Question was put, That the Sum of £40,000 be raised for his Majesty's Service, and the more immediate Defence

L. H. J.
Liber No. 50
Mar. 31

and Security of the Frontier Inhabitants of this Province, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments. Resolved in the Affirmative.

For the Affirmative,

Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
E. Gantt,
Hanson,
Dent,
M. Tilghman,
Sulivane,
Govane,
Cockey Deye,
Owings,
Earle,
Baker,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
E. Dorsey,
Beatty,
Cresap.
[28]

For the Negative,

Plater,
Sothoron,
B. Mackall,
Gale,
Wilson,
Goldsborough,
Dulany,
Woodward,
Handy.
[9]

On Motion, Leave given, to bring in a Bill for Granting a Supply of £40,000 for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments:

Ordered, That Mr. Dorsey, Col. Tilghman, Mr. Matthew Tilghman, Mr. Murdock, Mr. Carroll, Mr. Hammond, and Mr. Lloyd, do prepare and bring in a Bill accordingly.

On Motion, Leave given, to bring in a Bill for Reducing of the Allowances of the Members of the Upper and Lower Houses of Assembly, and for securing the Independency of the Delegates of this Province;

Ordered, That Mr. Wilson, Mr. Dulany, Mr. Murdock, Mr. Bracco, and Mr. Plater, do prepare and bring in a Bill accordingly. p. 17

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the Paper Bill, entituled, An Act for the Encouragement of a Party of Cherokee Indians, which have been some Time on the Frontiers of this Province, and for Payment of the reasonable Expences of their Interpreter and Conductor; Indorsed, "By the Upper House of Assembly, 31st March, 1758. The Ingrossed Bill, whereof this is the Original, is Read and Assented to.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

L. H. J. Liber No. 50 Mar. 31 On Motion, Leave given, to bring in a Bill for the Relief of Insolvent Debtors;

Ordered, That Mr. Bracco, Mr. Dorsey, Col. Tilghman, and Mr. Carroll, do prepare and bring in a Bill accordingly.

Samuel Chamberlaine, Esq; and Col. Tasker, from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of the Lower House immediately in the Upper House.

Mr. Speaker left the Chair, and (with the Rest of the Members of the Lower House) went to the Upper House, and presented to his Excellency the Governor, the Ingrossed Bill, entituled,

An Act for Encouragement of a Party of Cherokee Indians, which have been some Time on the Frontiers of this Province, and for Payment of the reasonable Expences of their Interpreter and Conductor;

Which his Excellency passed into a Law, in the usual Form.

Mr. Speaker (with the Rest of the Members) returned to the Lower House, and re-assumed the Chair.

On Motion, Leave given, to bring in A Supplementary Bill to the Act, entituled, An Act for Granting a Supply of £40,000 &c.

Ordered, That Mr. Williamson, Mr. Wilson, and Mr. Lloyd, do prepare and bring in a Bill accordingly.

Mr. Bracco, Mr. Earle, and Mr. Lloyd, have Leave of Absence till next Tuesday.

The House adjourns till the Morrow Morning at 8 of the Clock.

April 1

Saturday, April 1, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Lowes and Mr. Key appeared in the House.

p. 18 On Motion, That an Address be prepared to his Excellency, to request him to inform this House by what Law or Authority the Militia from Queen-Anne's, Kent, and Calvert Counties, were and are ordered to the Western Frontier of this Province;

Ordered, That Col. Tilghman, Mr. Matthew Tilghman, Mr. Murdock, Mr. Dorsey, and Mr. Williamson, do prepare and bring in an Address accordingly.

On Motion, Ordered, That an Address be prepared to his Excellency, in Answer to his Message of the 16th of December last; and that Mr. Murdock, Mr. Dorsey, Mr. Matthew Tilghman, and Mr. Carroll, do prepare and bring in the same.

Mr. Murdock, Mr. Hammond, Mr. Edward Gantt, Mr. King, and Mr. Thomas Gantt, have Leave of Absence till Monday.

L. H. J.
Liber No. 50
April 1

Mr. Sudler, by Letter to the Honourable Speaker, having represented the Cause of his Absence, is excused for Non-Attendance.

The House adjourns till 2 of the Clock.

Post Meridiem. The House met according to Adjournment, &c.

Mr. Ward appeared in the House.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, the following Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

As we thought it our Duty, at our last Meeting, by our Address to your Excellency of the Sixth of March, to request the Favour to be informed explicitly by what Law or Authority the Militia of Kent and Queen-Anne's County were ordered out and compelled to march, and your Excellency was pleased, without giving an Answer to that Address, to Prorogue the Assembly, and as we understand a Company of the Militia of Calvert County is now under Orders to march, to the great Disquiet of the People there, it becomes our indispensible Duty again to request, that your Excellency would be pleased to inform us by what Law or Authority the several Companies of Militia abovementioned, have been ordered out, and some of them compelled to march.

Which being Read the first Time, the Question was put, That the said Address be now Read the second Time. Resolved in the Affirmative.

For the Affirmative, p. 19

Williamson,
Gassaway,
Dent,
Carroll,
Worthington,
B. Mackall,
Reynolds,
Hanson,
M. Tilghman,
Cockey Deye,
Owings,
Baker,
Ward,
Woodward,
Fraser,
E. Tilghman,
E. Dorsey,
Beatty,
Cresap.

[19]

For the Negative,

Plater,
Sothoron,
Key,
Hynson,
Lowes,
Gale,
Wilson,
Goldsborough,
Oldham,
Sulivane,
Dulany,
Handy,
Chapline.

[13]

In Pursuance of the aforegoing Resolution, the said Address was Read the second Time; and the Question was put, That the House do approve thereof. Resolved in the Affirmative.

L. H. J.
Liber No. 50
April 1

For the Affirmative,

Williamson,
Hynson,
Gassaway,
Carroll,
Worthington,
B. Mackall,
Reynolds,
Hanson,
Dent,
Goldsborough,
M. Tilghman,
Oldham,
Sulivane,
Cockey Deye,
Owings,
Baker,
Ward,
Fraser,
E. Tilghman,
Beatty,
Cresap,
E. Dorsey.
[22]

For the Negative,

Plater,
Sothoron,
Key,
Lowes,
Gale,
Wilson,
Dulany,
Handy,
Chapline.
[9]

In Pursuance of the aforegoing last Resolution, that the said Address was Indorsed, "Read, Approved, and Ordered to be Ingrossed."

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, the aforesaid Address Ingrossed; which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Carroll and Mr. Wilson do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address immediately in the Conference Chamber.

Ordered, That Mr. Matthew Tilghman, with Three more, do present the Address.

The House adjourns till Monday Morning at 8 of the Clock.

April 3 Monday, April 3, 1758.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Earle, Mr. Lloyd, and Mr. Bracco. The Proceedings were Read.

p. 20 Mr. Edmondson appeared in the House.

William Goldsborough, Esq; from the Upper House, delivers to Mr. Speaker, a Petition of Thomas Bacon, Clerk, Rector of St. Peter's Parish in Talbot County; Indorsed, "By the Upper House of Assembly, 3d April, 1758. Read and Referred to the Consideration of the Lower House of Assembly;" which Petition was Read here, and Ordered to lie on the Table.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Reeder, Mr. Rasin, Major Hyland, and Mr. John Hammond Dorsey, appeared in the House. L. H. J. Liber No. 50 April 3

The House adjourns till the Morrow Morning at 8 of the Clock.

Tuesday, April 4, 1758. April 4

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Philip Hammond, Esq;

On Motion, Leave given, to bring in a Bill to secure the Estates of Aliens, and those that claim by, from, or under them:

Ordered, That Mr. Edward Dorsey and Mr. Wilson do prepare and bring in a Bill accordingly.

On Motion, Leave given, to bring in a Bill relating to Orphans and Guardians:

Ordered, That Mr. Matthew Tilghman, Col. Tilghman, and Mr. Carroll, do prepare and bring in a Bill accordingly.

On Motion, Leave given, to bring in a Bill to enable the Justices of Cæcil County to appropriate the remaining Part of the Sum of £500 delivered out of the Paper Office, for Building a Prison in the said County, and to replace the Sum of now in the Hands of Sabina Rigby, Executrix of William Rumsey, into the Paper Currency Office:

Ordered, That Mr. Baker, Col. Tilghman, and Mr. Williamson, do prepare and bring in a Bill accordingly.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

In a Message which I sent to the Lower House of Assembly the 25th of September, 1756, I told them (as will appear from the Journal of their Proceedings) that, to prevent the Settlements of Conococheague being broke up, I had ordered thither Detachments from the Militia of Prince-George's and Baltimore Counties: It appears likewise from the same Journal, that on the 28th of that p. 21 Month, the House Resolved that a Sum of Money should be applied to pay for the Provisions which the Companies of Militia, sent from Prince-George's and Baltimore Counties to range on the Western Frontier, might be supplied with during the Time that they should continue on Duty: And that it was also Resolved in the House the next Morning, that One Hundred Men, including Officers, should be raised and added to the Two Hundred Men that were already raised and in Garrison at Fort Frederick. In the Afternoon was communicated to them the following Message:

Gentlemen of the Lower House of Assembly,

You will be pleased to observe, that the Time which the Detachments from the Militia of Prince-George's and Baltimore Counties

L. H. J. Liber No. 50 April 4 were ordered to remain on the Frontiers, is almost expired: I think it would be highly proper to order some others to march and relieve them; but shall not give such Orders without your Advice. As it must be more agreeable to these Detachments to be Victualled in the same Manner that the Troops at Fort Frederick are, and as the impressing Provisions from the Frontier Inhabitants at this Time might greatly distress them, I hope you approve of the Directions I gave Mr. Ross, and that you will make Provision for his being immediately paid.

Whereas the House (as the same Journal will shew) presented to me the following Address:

May it please your Excellency,

In Answer to your Message of the 29th Instant, we return your Excellency our Thanks for the Attention and Regard you have shewn to the Protection and Defence of this Province, in ordering out Detachments from the Militia of Prince-George's and Baltimore Counties, and shall make Provision to pay Mr. Ross for Victualling these Detachments, according to your Excellency's Directions to him, as we are sensible that the impressing Provisions from the Frontier Inhabitants at this Time might greatly Distress them: And we think, with your Excellency, that it would be highly proper to order another Detachment of the Militia of One Hundred Men to march and relieve those already on our Frontier, there to remain for the Term of one Month, and desire that you will be pleased to give Orders for that Purpose.

p. 22 Agreeable to this Desire of the House, I ordered Captain Harrison of Charles County, and Captain Chapman of Anne-Arundel, to march to the Frontiers with some of the Militia from each of those Counties, and I believe you all know my Orders were obeyed.

As you had observed to me on another Occasion, that the present Lower House of Assembly consists in a great Degree of those Gentlemen who composed the House of which I have been speaking, I confess I was much surprized at your asking By what Law or Authority the Companies of Miltia, commanded by Captain Brown and Captain Casson, were lately ordered out and compelled to march? but as I presumed that you were convinced I was authorized to order out the Militia that marched to the Frontiers in September and October 1756, I thought I gave you as sufficient and explicit an Answer as you could reasonably expect or desire; and I shall be still of the same Opinion, unless you can point out to me any Law which exempts the Militia of Queen-Anne's, Calvert and Kent Counties, from any Services that the Militia of Prince-George's Anne-Arundel, Baltimore, Charles or Frederick County, are obliged, when ordered by the Governor of this Province, to perform.

Hor.° Sharpe.

4th April, 1758.

Which was Read, and Ordered to lie on the Table.

L. H. J.
Liber No. 50
April 4

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

On reading and considering his Excellency's Message of this Day: Ordered, That a Remonstrance to his Excellency the Governor, in Answer thereto, be prepared and brought in; and that Col. Tilghman, Mr. Williamson, Mr. Dorsey, Mr. Matthew Tilghman, and Mr. Carroll, do prepare and bring in a Remonstrance accordingly.

The House adjourns till the Morrow Morning at 8 of the Clock.

Wednesday, April 5, 1758.

April 5

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Lloyd, Mr. Bracco and Mr. Earle, appeared in the House.

This House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Benton Harris appeared in the House.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, a Petition of the Rector and Vestrymen of St. George's Parish in Baltimore County; Indorsed, "By the Upper House of Assembly, 5th April, 1758. Read and Referred to the Consideration of the Lower House of Assembly;" which Petition was Read here, and Ordered to lie on the Table. p. 23

On Motion, Leave given, to bring in a Bill To make it Penal to Counterfeit the Bills of Credit of New-York, East and West Jerseys, Pennsylvania, and the Three Lower Counties on Delaware, called New-Castle, Kent, and Sussex, and of Virginia:

Ordered, That Mr. Bracco, Mr. Wilson, and Mr. Key, do prepare and bring in a Bill accordingly.

The House adjourns till the Morrow Morning at 8 of the Clock.

Thursday, April 6, 1758.

April 6

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Philip Hammond, Esq; appeared in the House.

On reading the Petition of the Rector and Vestrymen of St. George's Parish in Baltimore County, the same is granted, and Leave given to bring in a Bill according to the Petitioners Prayer:

L. H. J. Liber No. 50 April 6

Ordered, That Mr. Govane, Alexander Williamson, Esq; and Major Hynson, do prepare and bring in a Bill accordingly.

On Motion, Leave given, to bring in a further Supplementary Bill to the Act, entituled, An Act laying an Imposition on Negroes, and on several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province:

Ordered, That Mr. Wilson, Mr. Govane, and Mr. Bracco, do prepare and bring in a Bill accordingly.

On Motion, Leave given, to bring in a Bill To Repeal all the Laws heretofore made for the Killing of Crows and Squirrels, or having any Allowance for the same, so far as relates to Calvert, Somerset, Prince-George's, and Worcester Counties:

Ordered, That Mr. B. Mackall, Mr. Gale, and Mr. Earle, do prepare and bring in a Bill accordingly.

Mr. Lloyd brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Granting a Supply of for his Majesty's Service, and for the more immediate Defence and Security of the Frontier Inhabitants of this Province, and Emitting

p. 24 thereof in Bills of Credit, and Raising a Fund for sinking and replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments: which was Read the first Time, and Ordered to lie on the Table.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Wilson brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Security of Purchasers and Others, claiming by, from, or under Aliens; which was Read the first Time, and Ordered to lie on the Table.

On reading the second Time, by an especial Order, the Bill, entituled, An Act for Granting a Supply of for his Majesty's Service, and for the more immediate Defence and Security of the Frontier Inhabitants of this Province, &c. the Question was put, Whether the Printer be allowed £110, or more? Resolved that he be allowed more.

For more than £110,

Plater,
Sothoron,
Key,
Hynson,
B. Mackall,
E. Gantt,
Dent,
Lowes,
Gale,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Owings,
Ward,
Woodward,
Murdock,
Fraser,
Lloyd,
Bracco,
Handy,
Harris,
Chapline.

23

L. H. J.
Liber No. 50
April 6

For the Sum of £110,

Reeder,
Williamson,
Rasin,
Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
Hanson,
M. Tilghman,
Sulivane,
Govane,
J. H. Dorsey,
Cockey Deye,
Hyland,
Earle,
Baker,
T. Gantt,
King,
E. Tilghman,
E. Dorsey,
Beatty,
Cresap.

23

The House being Divided on the aforegoing Question, the same was Determined by the Honourable Speaker, that more than £110 be allowed to the Printer.

The Question was put, Whether that Part of the Bill which makes the Sureties in the Office-Bond of the Clerk of the Paper Currency Office liable for any Breach of his Duty under the present Bill, shall be altered, or Not? Resolved in the Negative.

p. 25

For the Affirmative,

Sothoron,
B. Mackall,
Lowes,
Gale,
Wilson,
Edmondson,
Oldham,
Woodward,
Bracco,
Harris,
Beatty.

[11]

For the Negative,

Reeder,
Williamson,
Hynson,
Rasin,
Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
E. Gantt,
Hanson,
Dent,
Goldsborough,
M. Tilghman,
Sulivane,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Handy,
Chapline,
E. Dorsey,
Cresap.

[32]

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

As the Cherokees expressed their Desire this Afternoon to return immediately to the Frontiers, I was in Hopes that they would set off To-morrow early in the Morning; but the Conductor tells me that a Demand is made on him for a considerable Sum of Money by the Person who has Victualled the Indians since they have been in Town, and that the Agents will neither advance him Money to pay

L. H. J. Liber No. 50 April 6 this Account, or to satisfy the Owners of the Horses that were hired to bring the Cherokees hither. I hope you will take this Matter into Consideration, and do therein as you shall think reasonable.

Hor.° Sharpe.

6th of April, 1758.

On Reading and Considering the same, Resolved, That this House will defray any Expence accruing due since the passing the Act for the Support of the Cherokee Indians in this City; and that the Agents do pay the Account for such Expence, in the same Proportion as the Account for their Expences was discharged before the passing the said Act.

On Motion, Ordered, That an Address be prepared to his Excellency, in Answer to his Message of this Evening; and that Mr. Carroll do prepare and bring in such Address.

Mr. Carroll brings in and delivers to Mr. Speaker, an Address to the Governor; which was Read, Approved, and ordered to be Ingrossed.

p. 26 Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

This House have come to a Resolution to satisfy the Expence arising due for the Support of the Cherokee Indians in this City since the Passage of the Bill for that Purpose, and will take the other Matter, mentioned in your Excellency's Message of this Evening, under our Consideration immediately on our Meeting To-morrow Morning, and make all reasonable Allowances.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Govane and Mr. Plater do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address immediately in the Conference Chamber.

Ordered, That Mr. Carroll and Mr. Bracco do present the Address.

The House adjourns till the Morrow Morning at 8 of the Clock.

April 7

Friday, April 7, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Progression in the second Reading of the Bill, entituled, An Act for Granting a Supply of for his Majesty's Service, &c. the Question was put, Whether this House will appropriate any Part of the said £22,000 to pay for Field-Officers for the aforesaid 1000 Men, or Not? Resolved in the Negative. L. H. J. Liber No. 50 April 7

For the Affirmative,

Sothoron,
Worthington,
B. Mackall,
Sulivane,
Woodward,
Bracco. [6]

For the Negative,

Reeder,
Plater,
Williamson,
Hynson,
Rasin,
Hammond,
Gassaway,
Carroll,
Reynolds,
E. Gantt,
Hanson,
Dent,
Goldsborough,
M. Tilghman,
Edmondson,
Oldham,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Handy,
Harris,
E. Dorsey,
Beatty,
Cresap. [35]

The Question was put, Whether the Pay of each Captain of the said 1000 Men, shall be 12s. 6d. or 10s. ꝑ Day? Resolved, That the Pay be 10s. ꝑ Day. p. 27

For Ten Shillings ꝑ Day,

Reeder,
Williamson,
Hammond,
Worthington,
B. Mackall,
Reynolds,
E. Gantt,
Hanson,
Dent,
Goldsborough,
Edmondson,
Oldham,
Sulivane,
Cockey Deye,
Owings,
Hyland,
T. Gantt,
Bracco,
Handy,
Beatty,
Cresap. 21

For Twelve Shillings and Six Pence ꝑ Day,

Plater,
Sothoron,
Key,
Hynson,
Rasin,
Gassaway,
Carroll,
Gale,
M. Tilghman,
Govane,
J. H. Dorsey,
Earle,
Baker,
Ward,
Murdock,
Fraser,
King,
Lloyd,
E. Tilghman,
Harris. 20

L. H. J. Liber No. 50 April 7 The Question was put, That Lawyers be Taxed in respect of the Profits of their Profession, in the same Proportion as Public Officers are Taxed. Resolved in the Negative.

For the Affirmative,

Plater,
Sothoron,
Key,
Gassaway,
Worthington,
Reynolds,
Hanson,
Gale,
Wilson,
Goldsborough,
M. Tilghman,
Edmondson,
Oldham,
Cockey Deye,
Baker,
Harris,
Govane.
17

For the Negative,

Reeder,
Williamson,
Hynson,
Rasin,
Hammond,
Carroll,
E. Gantt,
Dent,
Sulivane,
J. H. Dorsey,
Owings,
Hyland,
Earle,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
Lloyd,
E. Tilghman,
Bracco,
Handy,
Chapline,
E. Dorsey,
Beatty,
Cresap.
26

The Question was put, That Clergymen be Taxed in respect of their Benefices, in the same Proportion with Lawyers in respect of their Professions. Resolved in the Negative.

For the Affirmative,

Plater,
Sothoron,
Key,
Williamson,
Hynson,
Gale,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Govane,
Murdock,
T. Gantt,
Harris.
[14]

For the Negative,

Reeder,
Rasin,
Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
E. Gantt,
Hanson,
p. 28 Dent,
M. Tilghman,
Sulivane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Fraser,
King,
Lloyd,
E. Tilghman,
Bracco,
Handy,
Chapline,
Beatty,
E. Dorsey,
Cresap.
[30]

L. H. J.
Liber No. 50
April 7

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Lecompte appeared in the House.

The Question was put, That Clergymen be Taxed in respect of their Benefices, in the same Proportion as Public Officers are Taxed in respect of their Offices. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Rasin,
Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
E. Gantt,
Hanson,
Dent,
M. Tilghman,
Sulivane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Fraser,
King,
Lloyd,
E. Tilghman,
Bracco,
Handy,
Chapline,
E. Dorsey,
Beatty,
Cresap.
[30]

For the Negative,

Plater,
Sothoron,
Key,
Williamson,
Hynson,
B. Mackall,
Gale,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Govane,
Murdock,
T. Gantt,
Harris.
[15]

The Question was put, That that Part of the Bill which directs the Assessors to be elected by the People in the several Districts, be altered. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Plater,
Sothoron,
Williamson,
Hynson,
Carroll,
Reynolds,
Hanson,
Gale,
Wilson,
M. Tilghman,
Oldham,
Owings,
Earle,
Baker,
Woodward,
Murdock,
Fraser,
T. Gantt,
Lloyd,
E. Tilghman,
Bracco,
Handy,
Chapline,
E. Dorsey,
Beatty,
Cresap.
27

For the Negative,

Key,
Rasin,
Hammond,
Gassaway,
Dent,
Goldsborough,
Edmondson,
Sulivane,
Cockey Deye,
Hyland,
Ward,
King,

L. H. J. Liber No. 50 April 7

Worthington,
B. Mackall,
E. Gantt,
Lecompte,
Govane,
J. H. Dorsey,
Harris.
19

The Question was put, That the Nomination of the Assessors be in the Commissioners. Resolved in the Affirmative.

p. 29

For the Affirmative,

Reeder,
Plater,
Sothoron,
Williamson,
Hynson,
Carroll,
Reynolds,
Hanson,
Gale,
Wilson,
M. Tilghman,
Oldham,
Owings,
Earle,
Baker,
Murdock,
Fraser,
T. Gantt,
Lloyd,
E. Tilghman,
Bracco,
Handy,
Chapline,
E. Dorsey,
Beatty,
Cresap.
26

For the Negative,

Key,
Rasin,
Hammond,
Gassaway,
Worthington,
B. Mackall,
E. Gantt,
Dent,
Goldsborough,
Edmondson,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Hyland,
Ward,
Woodward,
King,
Harris.
20

The House adjourns till the Morrow Morning at 8 of the Clock.

April 8

Saturday, April 8, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Progression in the second Reading of the Bill, entituled, An Act for Granting a Supply of   for his Majesty's Service, &c. the Question was put, That that Part of the Bill relating to the Oaths to be taken by Papists be altered. Resolved in the Negative.

For the Affirmative,

Plater,
Sothoron,
Key,
Hynson,
Wilson,
M. Tilghman,
Oldham,
J. H. Dorsey,
Earle,
Dulany,
Woodward,
T. Gantt,
King,
Bracco,
Harris.
[15]

L. H. J.
Liber No. 50
April 8

For the Negative,

Reeder,
Williamson,
Rasin,
Hammond,
Gassaway,
Carroll,
Worthington,
B. Mackall,
E. Gantt,
Reynolds,
Hanson,
Dent,
Gale,
Goldsborough,
Edmondson,
Sulivane,
Lecompte,
Govane,
Cockey Deye,
Owings,
Hyland,
Baker,
Ward,
Murdock,
Fraser,
Lloyd,
E. Tilghman,
Handy,
Chapline,
Beatty,
Cresap.

[31]

The Bill, entituled, An Act for Granting a Supply of for his Majesty's Service, &c. was Read the second Time, and committed for Amendments.

Ordered, That the several Clerks of the Committees from this House do attend upon the daily Call of the House, and give their due Attendance till the House adjourns Morning and Evening.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c. p. 30

Mr. Lloyd brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Granting a Supply of £45,000 for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and Emitting £35,000 thereof in Bills of Credit, and Raising a Fund for sinking and replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments; which was Read the second Time, with the Amendments made thereto; and the Question was put, That the said Bill do pass. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Williamson,
Hynson,
Rasin,
Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
E. Gantt,
Hanson,
Dent,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
Beatty,
Cresap.

33

L. H. J.
Liber No. 50
April 8

For the Negative,

Plater,
Sothoron,
Key,
B. Mackall,
Gale,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Dulany,
Woodward,
Handy,
Harris. 13

On Resolution of the aforegoing Question, the said Bill was Indorsed, "Read the second Time, and will Pass."

Resolved, That Mr. Speaker, and the House, do go with the said Bill to the Upper House.

Mr. Speaker left the Chair, and (with the Rest of the Members of the Lower House) went to the Upper House, and there delivered the said Bill.

Mr. Speaker (with the Rest of the Members) returned to the Lower House, and re-assumed the Chair.

Mr. Fraser, Mr. Owings, Mr. Matthew Tilghman, and Mr. Reynolds, have Leave of Absence.

The House adjourns until Monday at 2 of the Clock Afternoon.

April 10

Monday, April 10, 1758.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Hammond, Mr. Reynolds, Mr. Matthew Tilghman, and Mr. Fraser. The Proceedings were Read.

p. 31 Mr. Gray and Mr. Tilden appeared in the House.

Mr. Gale brings in and delivers to Mr. Speaker, a Bill, entituled, An Act Repealing all the Laws heretofore made for the Killing of Crows and Squirrels, or having any Allowance for the same, so far as relates to Somerset, Calvert, Prince-George's, and Worcester Counties; which was Read the first Time, and Ordered to lie on the Table.

Mr. Murdock brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, that shall serve in the General Assembly, and ascertaining the Allowances of the Clerks and other Officers of both Houses, and for securing the Independency of the said Deputies and Delegates; which was Read the first Time, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 8 of the Clock.

Tuesday, April 11, 1758.

L. H. J.
Liber No. 50
April 11

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Philip Hammond, Esq; appeared in the House.

Mr. Govane brings in and delivers to Mr. Speaker, a Bill, entituled, An Aiding Supplementary Act to an Act, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of St. George's Parish in that County, a Sum of Money for the Use therein mentioned; which was Read the first Time, and Ordered to lie on the Table.

Mr. Wilson brings in and delivers to Mr. Speaker, a Bill, entituled, A Supplementary Act to an Act, entituled, An Act for Granting a Supply of £40,000 for his Majesty's Service, and striking £34,015 6s. thereof in Bills of Credit, and raising a Fund for sinking the same; which was Read the first Time, and Ordered to lie on the Table.

Ordered, That Mr. Dent, Major Handy, and Mr. Rasin, be added to the Committee appointed to Inspect the State and Condition of the Arms and Ammunition, and Accounts relating thereto.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the Representation of the Visitors of Talbot County School; Indorsed, "By the Upper House of Assembly, Referred to the Consideration of the Lower House;" which was here Read, and Ordered to lie on the Table.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Matthew Tilghman appeared in the House. p. 32

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

Sir John St. Clair, one of his Majesty's Deputy Quarter-Masters General, having applied to me, by Order of the Commanding General of his Majesty's Forces in these Parts, and desired me to have some good Horses provided and kept at several Places within this Province, for the more ready Conveyance of Intelligence, I take the Liberty to lay his Letter before you, and hope you will enable me to comply with so reasonable a Request.

Hor.° Sharpe.

11th of April, 1758.

On Reading the Governor's Message, and Sir John St. Clair's Letter, Resolved, That this House will take them into Consideration on the Morrow Morning.

The House adjourns till the Morrow Morning at 8 of the Clock.

L. H. J.
Liber No. 50
April 12

Wednesday, April 12, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Plater and Mr. Woodward. The Proceedings were Read.

Mr. Fraser appeared in the House.

On Considering his Excellency's Message, and Sir John St. Clair's Letter, communicated to Mr. Speaker Yesterday Evening;

Ordered, That an Address be prepared to his Excellency in Answer thereto; and that Colonel Tilghman, Mr. Dulany, and Mr. Murdock, do prepare and bring in such Address.

Mr. Murdock brings in and delivers to Mr. Speaker, an Address to the Governor; which was Read, Approved, and Ordered to be Ingrossed.

Mr. Murdock brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

This House has Resolved to make Provision for stationing Horses at the Places mentioned in the Letter from Sir John St. Clair, Deputy Quarter-Master General, laid before us with your Excellency's Message of Yesterday Evening, and intend, by an Act, to apply to that Purpose, Part of the Money granted, and not particularly appropriated, by a Bill for his Majesty's Service now before the Upper House, immediately upon the Passage of that Bill into a Law. p. 33

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Sulivane and Mr. Rasin do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address in the Afternoon in the Conference Chamber.

Colonel Hammond, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for Granting a Supply of £45,000 for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and Emitting £35,000 in Bills of Credit, and Raising a Fund for sinking and replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employment; Indorsed, "By the Upper House of Assembly, 10th April, 1758. Read the first Time, and Ordered to lie on the Table.

And thus, "By the Upper House of Assembly, 12th April, 1758. Read the second Time, and will not Pass. L. H. J. Liber No. 50 April 12

Signed ℘ Order, J. Ross, Cl. Up. Ho."

On Motion, Ordered, That a Message be prepared, to be sent to the Upper House with the Bill, entituled, An Act for Granting a Supply of £45,000 &c. to request their Honours to point out what Objections they have to the Passage of the said Supply-Bill into a Law; and that Colonel Tilghman, Mr. Lloyd, Mr. Dorsey, Mr. Hammond, Mr. Matthew Tilghman, Mr. Carroll, and Mr. Murdock, do prepare and bring in the same.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

The following Message:

By the Lower House of Assembly, April 12, 1758.

May it please your Honours,

We are greatly concerned to find, that after Refusing Two Bills sent up to you at our Two last Meetings, for his Majesty's Service, without mentioning the Objections you might have to either of them, p. 34 your Honours have returned a Third for the same Purposes, in the same Manner. If your Objections had been made to either of those, or the present Bill, we should have shewed the utmost Readiness to do every Thing we could, consistent with our Rights and Privileges, to have brought about the Passage of them; and if any Inconsistencies, Contradictions or Mistakes, in any of those Bills had been pointed out to us, you had sufficient Reason, from what has been frequently done, to be satisfied we should readily have found Means to have rectified them. As we have it warmly at Heart, to promote, to the utmost of our Abilities, his Majesty's Service at this most critical Juncture, and to provide for the Security and Quiet of our Frontier Inhabitants, we have again herewith sent up the Bill you this Morning returned us, with the Correction of a Mistake, which we find was by wrong filling up one of the Blanks, and the Supply of an Omission in not filling up another, and hope for your Honours Concurrence to it as it now stands, or that you will, notwithstanding it may not be strictly consistent with Parliamentary Modes of Proceeding, point out to us all such Objections as you may have against it, and thereby afford us an Opportunity of shewing how desirous we are of bringing about the Passage of this Bill, at this Time of so much Importance to our King and Country.

Signed ℘ Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House, with the Bill, entituled, An Act for Granting a Supply of £45,000 for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and Emitting £35,000 thereof in Bills of

L. H. J. Liber No. 50 April 12 Credit, and Raising a Fund for sinking and replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments, by Colonel Tilghman, and Twelve more.

Ordered, That Mr. Carroll and Major Hynson do present the Address to his Excellency the Governor, which was prepared before Noon.

p. 35 The House adjourns till the Morrow Morning at 8 of the Clock.

April 13

Thursday, April 13, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday except Mr. Benjamin Mackall. The Proceedings were Read.

Ordered, That Capt. Gassaway be added to the Committee of Accounts.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

On Motion, Leave given, to bring in a Bill for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise;

Ordered, That Colonel Tilghman, Mr. Key, and Mr. Dorsey, do prepare and bring in such Bill.

The House adjourns till the Morrow Morning at 8 of the Clock.

April 14

Friday, April 14, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Motion, Ordered, That no Claims against the Public be received by the Committee of Accounts after Monday next.

Ordered, That the Committee of Accounts do close the Journal of Accounts on Tuesday next.

On Motion, the Question was put, That the Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, that shall serve in the General Assembly, and ascertaining the Allowances of the Clerks and other Officers of both Houses, and for securing the Independency of the said Deputies and Delegates, be now Read the second Time. Resolved in the Negative.

For the Affirmative,

Plater,
Sothoron,
Key,
Gale,
Wilson,
Goldsborough,
Cockey Deye,
Dulany,
Bracco,

L. H. J.
Liber No. 50
April 14

Tilden,
E. Gantt,
Lowes,
Edmondson,
Oldham,
Gray,
Handy,
Harris.
17

For the Negative,

Reeder,
Williamson,
Hynson,
Rasin,
Hammond,
Gassaway,
Carroll,
Worthington,
Hanson,
Dent,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Owings,
Hyland,
Ward,
Earle,
Baker,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Chapline,
Beatty.
29

Alexander Williamson, Esq; brings in and delivers to Mr. Speaker, an Address and Remonstrance to his Excellency the Governor; which was Read, and Ordered to lie on the Table. p. 36

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Edmondson, Colonel Tilghman, Mr. King, and Mr. Gale, have Leave to be absent.

Mr. Murdock brings in and delivers to Mr. Speaker, an Address to his Excellency, in Answer to his Message of the 16th of December last; which was Read, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 8 of the Clock.

Saturday, April 15, 1758.

April 15

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Reading the second Time the Address and Remonstrance, the Question was put, That after the Words for the better Defence and Security thereof, the following Words, viz. [which possibly you may be of Opinion is in Force] be inserted. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Sothoron,
Williamson,
Hynson,
Rasin,
Hammond,
M. Tilghman,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,

L. H. J.
Liber No. 50
April 15

Gassaway,
Carroll,
Worthington,
Hanson,
Dent,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Bracco,
E. Dorsey,
Beatty,
Cresap.
32

For the Negative,

Plater,
Key,
Tilden,
E. Gantt,
Lowes,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Gray,
Sulivane,
Dulany,
Handy,
Harris.
14

On Reading throughout the Address and Remonstrance, the Question was put, That the same be Approved. Resolved in the Affirmative.

p. 37

For the Affirmative,

Reeder,
Plater,
Sothoron,
Williamson,
Hynson,
Rasin,
Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Hanson,
Dent,
Wilson,
Goldsborough,
Edmondson,
M. Tilghman,
Oldham,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Harris,
E. Dorsey,
Beatty,
Cresap.
42

For the Negative,

Key,
Lowes,
Dulany,
Handy,
Chapline.
5

On Resolution of the aforegoing Question, the said Address and Remonstrance was Indorsed, "Read, Approved, and Ordered to be Ingrossed."

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Reeder, Mr. Goldsborough, Mr. King, Mr. Williamson, Mr. Sothoron, Mr. Key, Mr. Dent, and Mr. Rasin, have Leave to go home.

The House adjourns till Monday Morning, at 10 of the Clock.

Monday, April 17, 1758.

L. H. J. Liber No. 50 April 17

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Reeder, Mr. Dent, Mr. King, Mr. Sothoron, Mr. Murdock, and Mr. Edward Gantt. The Proceedings were Read.

Mr. Waggaman appeared in the House.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address and Remonstrance, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address and Remonstrance of the House of Delegates.

May it please your Excellency,

p. 38

We beg Leave to assure your Excellency, that nothing less than the Regard we owe to the Preservation of the Lives, Liberties and Properties of the good People of this Province, could induce us to trouble you with a Representation so disagreeable to us, as what we are obliged to make to you, on the late March of Two Companies of the Militia, one from Queen-Anne's County, which we are informed were stationed at Baker's Fort, on the Western Frontier, for a considerable Time, and the other from Kent County, who, in an Attempt to cross the Bay in their Way thither, were drove back from Patapsco, by a violent Storm, into Chester River, their Vessels forced ashore, great Quantities of their Provisions lost, and the Men exposed to the most extreme Hardships. This we thought our indispensible Duty at our last Meeting; but, though we look'd upon it as a Matter of a very interesting Nature, yet we gave a Bill for his Majesty's Service, and the Security of our Frontiers, the Preference in our Proceedings, and thereby (to our great Surprize and Concern) made Way for your Excellency's sudden Prorogation (soon after the Upper House had passed a flat Negative on that Bill) calculated, as we are afraid the World will judge, to deprive us of an Opportunity of laying before your Excellency what we had determined, not only upon that, but on several other Subjects; in order, as much as in us lay, to put a Stop of those Hardships, so ruinous to the Properties, and to avert the Consequences, so destructive to the Liberties of the People, which naturally must flow from a Pursuit of Measures in the Administration of Government, which seem at present too much to prevail.

As our several Addresses, requesting your Excellency would be pleased to inform us explicitly by what Law or Authority, the Two Companies of Militia from Kent and Queen-Anne's Counties were ordered to march, have proved ineffectual, we must proceed upon a Presumption that your Excellency gave your Orders for that Purpose, by Virtue of the Law for the Ordering and regulating the Militia of this Province, for the better Defence and Security thereof,

L. H. J. Liber No. 50 April 17 which possibly you may be of Opinion is in Force; but by your Excellency's saying so much, in your several Messages on this Subject about the Conduct of the late Lower House, we think ourselves laid under a Necessity, in the first Place, to recapitulate the Affair relative to the Marching and Service of the Miltia, or rather those who have gone out as Volunteers under that Denomination, at different Times, since the Commencement of Hostilities with his Majesty's p. 39 Enemies; and to represent, how widely different the Circumstances of our unhappy Frontier People were, when those Volunteers went out (for the March of Part whereof your Excellency applied for and had the Approbation of that House) from what they were under when the Militia of Queen-Anne's and Kent Counties were lately marched.

Some Time about the latter End of August, 1756, a Party of the Enemy, supposed to be about Sixty or Seventy, made an Incursion in several Divisons, fell on the Settlement of Conococheague within this Province, and killed and captivated, as it was reported, near Twenty Persons; on the Second Day after, they made their Retreat. As they were returning, a Prisoner, who understood some French, escaped from them, and informed the People, that the Enemy had determined in a Council of War, to return immediately to Fort Duquesne, and then to make another Incursion into Conococheague Settlement, in about Twenty Days.

About the same Time, Fort Granville in Pennsylvania, we are informed, was taken and destroyed by the Enemy, and the Garrison, which consisted of about Thirty Men, mostly, if not all, killed or captivated.

At the Opening of the Session, in September 1756, your Excellency was pleased to lay before the then House, a Letter from the Earl of Loudoun, then Commander in Chief of all his Majesty's Forces in North-America, informing you of the "Loss of Oswego, with all it's Stores and Ammunition, and the Train placed there; and the Garrison was made Prisoners of War, and our Naval Power on the Lake destroyed." And his Lordship was pleased, on that Occasion, to shew his Sense of the imminent Danger hanging over this Province, by expressing himself in the following Words: "I must put you on your Guard, against every ill Consequence of such an unhappy Event; and as you may now expect the Weight of the French Indian Power on your Back, I must caution you to put your Frontiers immediately in the best Posture of Defence you are able; as from the Condition and Number of Troops left to me, when I came to my Command, I can scare hope to do more than to resist the French Power in these Quarters." The House, deeply affected, no Doubt, by the melancholy Situation of their Fellow-Subjects on the Frontiers, were moved to approve a Measure, which they little thought at that Time (tho' they might even then esteem it a Stretch of

Power) would be drawn into Precedent for the future, much less at a Time when there should be an armed Force in the Pay of this Province on the Frontiers, more than sufficient, were they compelled to do their Duty, not only to protect the Inhabitants, but to make them easy and quiet. And abstracted from all Considerations, whether there be any Law in Force to compel the Militia to march or not, the Gentlemen that were of that House, who are now of This, are now more unanimous in disapproving your Excellency's Orders for the March of the Militia from Queen-Anne's, Kent, and Calvert Counties, than they were in approving those relative to the March of the Companies from Baltimore and Prince-George's. And it is not without great Concern they reflect, that what was done at a Time when they believed the Frontiers were under imminent Danger, from several concurrent Circumstances (besides your Excellency's telling them in your Message of the 25th of September 1756, "Nothing less than ordering Detachments from the Militia of Baltimore and Prince-George's County thither, to cover the Inhabitants, and encourage them to remain on their Plantations, would prevent the fine Settlement of Conococheague being intirely broke up, and all that Part of the Country abandoned") should be made use of, as a Precedent, for ordering the Militia out at a Time when scarce a Person could be found, who could truly say, he was apprehensive of any Danger at all. p. 40

This shews us the Danger of even being silent, whenever Power may exceed it's plain and express Limits; and teaches us, that notwithstanding in such a Case there may be a plausible Appearance of present Good, yet we ought to suspect some latent Evil is intended, and guard well against every bad Consequence which may possibly flow from a Stretch of Power beyond it's due Bounds.

The Seventh of October last, your Excellency was pleased to send to us the following Message: "I think proper to inform you, that upon the Application of Capt. Chapline, a Member of your House, and a great Number of our Frontier Inhabitants, I did, the Third of August last, order Capt. Delashmutt and Capt. Moses Chapline to march Part of their respective Companies, and to patrole on the Frontiers for their Protection. The Time for which they were ordered out, is now expired; but they tell me, that if other Parties are not sent to relieve them, the Settlement of Conococheague will, in all Probability, be immediately broke up, the People being thrown into the greatest Consternation by an Account that they have received from the Mouth of Opeccan River in Virginia, near which Place 'tis said, that Seventeen Persons were killed and captivated by a large Party of Indians the Thirtieth of last Month, while the Garrison at Fort Frederick is too weak and sickly to send out so many and such large Parties, as the Inhabitants think necessary for their Security. I do not choose at this Time, to order out any more p. 41

L. H. J. Liber No. 50 April 17 of the Militia without your Advice; but if you think it necessary, I will issue Orders for that Purpose." That Message was taken into Consideration the Eleventh of the same Month, and on that Occasion, those Gentlemen of this House, who were of the late House, seem to have acted under a Caution, which the Use they began to find was to be made of their former Approbation of your Excellency's Conduct, in sending out the Militia, had taught them; when they joined the other Members of this House in an unanimous Resolve the same Day, that there was no Necessity then of sending out the Militia, as there were Forces then in the Pay of this Province more than sufficient to guard the Frontiers thereof, and in Consequence of that Resolve, on the Fourteenth, sent your Excellency the following Address: "We are greatly concerned to find by your Message of the Seventh Instant, that while there have been a Number of Troops kept up under your Command, in the Pay of this Province, on the Frontiers thereof, more than sufficient for the immediate Defence and Security of the back Inhabitants, there should be Application made to you by Capt. Joseph Chapline, and a Number of those People, for Protection against their Savage Enemies: And we cannot but be of Opinion, that if even a Part of those Troops had been put under and punctually performed the Duty clearly enjoined them by the Law, by which they were raised and supported, there would not have been any Room for those Applications, or the least Pretence for ordering out any Part of the Militia in Consequence thereof. And this Opinion we are confirmed in by the Sentiments of Capt. Joseph Chapline, now a Member of our House, and several other back Inhabitants. And therefore, as the ordering out the Militia is a Measure we cannot approve of, as to what has past, so we think it would be wrong for the present." We presume, if your Excellency had then obtained the Approbation of this House, for sending out the Militia on that Occasion, you would not, in order to have prevented the Settlement of Conococheague being immediately broke up, and to p. 42 have quieted the People, then in a Consternation by the Account of the Death and Captivation of Seventeen Persons at Opeccan, have ordered out the Militia of Queen-Anne's and Kent Counties, or even Calvert, though it was then a mild Season of the Year: Why then would your Excellency, contrary to the Opinion of this House, at the most severe Season of the Year, and at a Time when not so much as a Report of an Incursion was stirring, send out the Militia of Queen-Anne's and Kent Counties, far distant from the Frontiers, and on the Eastern Side of the Bay? Or, Why the Militia of Calvert now, when may be added to these Circumstances, the Protection we all expect from the Party of Cherokees, who, your Excellency knows, are well encouraged by a proper Present made them this Session, and have engaged to act offensively in our Interest, and other numerous Parties, which, 'tis said, are now on, and coming to, our Frontiers, probably for the same Purpose? Indeed your Excellency was pleased, in your Message of the 23d of February last, in Answer to our Address of that Day, to say, "You had good Reason to apprehend, that the Soldiers which had been raised for the more immediate Defence of our Frontier Inhabitants, would disband themselves when they found that the Assembly had broke up, without making any further Provision for their Support: You thought it your indispensible Duty to order Two Companies of Militia to the Frontiers, lest the People that were settled there, being left without any Hopes of Assistance or Protection, should desert their Habitations, or fall an easy Prey to the Enemy:" But as a Bill was sent up from this House last Session, making Provision for supporting Three Companies of the Soldiers, which had been raised for his Majesty's Service, and the more immediate Defence of our Frontier Inhabitants; (though the other Branch of the Legislature did not concur therein) it would seem that those Soldiers thought they had sufficient Reason to depend, that the several Branches (the Assembly being prorogued only for a few Weeks) would soon agree upon some Bill for that Purpose; and that reasonable Dependance, we presume, prevented their Disbanding themselves then, and has even to this Time: And supposing those Soldiers to have been employed in the Duty of their Station, the Occasion your Excellency is pleased to mention p. 43 for ordering the Militia of Queen-Anne's and Kent Counties to the Frontier, could not exist; even if there had been a Power of ordering them out, which we humbly conceive there was not.

And we choose at present to avoid entering into a Dispute with your Excellency, in Relation to the Existence of the Law beforementioned, we shall now proceed to represent to your Excellency wherein you have exercised a Power not given you by that Law (supposing it were really in Force) in marching the Militia of Queen-Anne's and Kent Counties to the Frontiers of this Province, and that the Exercise of that Power (supposing it had been strictly legal) at the most severe Season of the Year, was unnecessary and extremely grievous, and ruinous to them, and unreasonably burthensome to the Country.

That Law (supposing it to be in Force) seems to give Power to every Colonel, &c. to inlist the Inhabitants of this Province to be of the Militia, and to muster, exercise, and train them; and seems to subject them to a Fine of One Hundred Pounds of Tobacco for non-Appearance or Refusal to be inlisted in the Militia or Trained Bands; agreeable to a reasonable Construction of that Law (supposing it were in Force) the Inhabitants of this Province are to be Mustered and Trained in the Counties where they Reside, and are not to be compelled to Muster or Train out of their own Counties.

That Law next proceeds to settle the Pay of the Officers and Soldiers of the Militia, while they shall be in actual Service, and pro-

L. H. J. Liber No. 50 April 17 vides how they shall be paid: But it gives no Power to the Governor or Commander in Chief, or any Person Commissioned by him, to Compel the Militia of one County to March into another; nor does it Oblige the Militia to Obey the Commands of their Officers, or subject them to any Penalty for Disobedience. In a subsequent Clause of the same Law, there is a very severe Penalty laid upon those Persons that shall, upon any Foreign Invasion, obstinately refuse to appear and serve in Arms for the necessary Defence of this Province; but, we conceive, it's Clear they are not Punishable, by that Clause, for Refusing to serve in Arms upon any other Occasion than upon an actual Foreign Invasion, and then, no longer than until the Invaders shall be Repelled; for when that is done, the Country cannot be said to be under an Invasion; and that Clause is the only one which inflicts any Penalty upon a Refusal to appear and serve in Arms.

p. 44 When the Militia of Queen-Anne's and Kent Counties were forced to leave their Habitations and Families, and those of Queen-Anne's were transported across the Bay, and Marched to the Western Frontiers, this Province was not under any Invasion; nor had there been even any Incursions made by the Enemy for a long Time before their March, that we have heard of: Add to this, that our good Friends the Cherokees, with some of our own People, were then, as we are informed, on an Excursion against the Enemy. But, upon a Supposition there had been an Incursion of a few Indians at the Time the Militia of those Counties marched (which we cannot learn was the Case) To what End or Purpose could they be ordered to march? It could not be to repel a foreign Invasion, for there was not, at that Time, even any Report of one; and it is well known to your Excellency, that the small Parties of our Enemies, that have heretofore made Incursions into this Province, have always departed within a very few Hours after they have done their intended Mischief; even so soon that the Rangers that have been paid by this Province, for the Defence and Protection of the Frontier Inhabitants, have either not been able to overtake them, or have not complied with their Duty in making a speedy and proper Pursuit. How then could it be necessary or lawful to march those Militia of Queen-Anne's and Kent Counties to the Western Frontier, if there had been such Incursions of our Enemies, since such March could not possibly tend to repel, what perhaps your Excellency may think proper to call an Invasion! as such Invasion must cease to exist long before they could possibly arrive at the Place, from whence the Enemy were to be repelled.

We really are at a Loss to conceive what could induce your Excellency to be of Opinion, that you had a Power, under that Law, to march the Militia beforementioned, unless you supposed you had an Authority under it, to march the Militia of this Province whenever and wheresoever you pleased, and that in order to prevent, as well as repel, an Invasion. But surely there are no Words in that Law that can give you that Authority; nor can any Thing be further from the Intent and Design of it; for such an Authority would put it in the Power of a Governor of this Province, whenever he found himself opposed in any Views or Designs that he might have, tending to destroy the Liberties of the People, to compel the whole Militia of the Province, at any Time when he might suggest Danger, to march to any Part of the Province he pleased, and keep them there, until their Representatives had complied with all his Demands, let them be never so extrvagant or injurious to the People. Such a Power, we conceive, is not given, nor could ever have been intended to be given by any Men in their Senses. But, suppose, your Excellency has, by that Law, all the Powers given you that you can suggest, we beg Leave humbly to Remonstrate to your Excellency, that the Exercise of the Power of marching the Militia of the Eastern Shore to the Frontier, upon the late Occasion and the Orders for marching a Company of Militia from Calvert County thither at this Time, when we are informed there are near Four Hundred Men there, most, if not all of whom, your Excellency has sufficient Reason to be convinced, will be paid by this Province; and when the Presence of our good Friends and Brothers the Cherokees, which have continued with us ever since November last, and (as you have been pleased to inform us by your Message of the 29th of March last) "will be of great Service, and in all Probability contribute much to the Security of the Inhabitants," has already, and must undoubtedly continue to raise great Discontents and Uneasiness in the Minds of his Majesty's good Subjects of this Province, committed to your Care, and to alienate their Affections from his Lordship's Government; and if not desisted from, but attempted to be continued in Practice, may, we are apprehensive, be productive of the worst of Consequences; for we are informed it is the general Opinion of the People (even of those for whose Protection the Militia of Queen-Anne's and Kent Counties were marched, at that severe Season of the Year) that it was not necessary for the Protection of the Frontier Inhabitants, to have any Militia there at the Time those Militia were ordered out. From whence, we are apprehensive, unprejudiced Persons may infer, that those who advised your Excellency to take that Measure, intended, under the specious Pretence of affording present Protection to a Few, by Degrees to introduce an Arbitrary Power, the Exercise of whuch must, in the End, inevitably Enslave the Whole.

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p. 46

If the March of those Militia had been lawful and necessary (which we are clearly of Opinion it was not) yet we are humbly of Opinion, that the Impressing large Quantities of Provisions for them, in the Counties they marched from, and consequently putting the County to the Expence of Carriages from the several Places

L. H. J. Liber No. 50 April 17 where they were Impressed, when they might have been got at a much cheaper Rate in the Frontier County, and thereby the heavy Charge of Carriage mostly prevented, is imposing an unnecessary and heavy Burthen and Tax upon the People; and with what View it has been done, we are at a Loss to imagine.

We cannot suppose that your Excellency would pursue such Measures, in order to disquiet and distress the good People of any particular Part of this Province: But should a Power of marching the Militia, even when there may be any trifling Incursion (tho' in the present Case there was none) and that from Counties far distant from the Place where it may happen, and carrying their Provisions from those Counties, when they may be had much cheaper on the Frontier, and the Expence of Carriage prevented, be once established by frequent Use, under even plausible Pretences; if ever this Province should be so unfortunate as to be under the Government of a Gentleman of less humane and benevolent Disposition than we are persuaded possesses your Excellency's Breast, we tremble to reflect upon the Consequences! Might it not justly be feared (among many other Evils) that every Man, and every Set of Men, who might in Discharge of the indispensible Duty of their Stations, be obliged to act in such a Manner as might embarrass such a Gentleman in his unjust Views, and their Favourers, Adherents and Dependants, would soon feel the Weight of his Resentment, in being compelled to march to the Frontiers of this Province, there to be stationed during his Pleasure? Not in order to repel a foreign Invasion, but to disgust the People against their Representatives, and thereby procure a Compliance with all his unjust Demands, let p. 47 them be never so ruinous and destructive to the Liberties and Properties of the People? We are sorry to say there is too much Room to fear it might. And we hope we shall be excused, if, on this Occasion, we trespass upon your Excellency's Patience, while we bring to public View, the Behaviour of some of the good People of this Province, when, from concurrent Accounts, a Probability of a foreign Invasion appeared to them; and that not in This, but in a neighbouring Province; and compare it with their Behaviour in the present Case.

Upon a Report's prevailing some Time about the Month of November, 1755, that a Body of about Twelve Hundred French and Indians had invaded Pennsylvania, and penetrated as far as the Town of Lancaster in that Government; How did the People of this Province behave? Did they shew any Disloyalty or Disaffection to our present happy Establishment? Did they shew any Want of Zeal for the Common Cause, or Unwillingness to assist their Neighbours? Did they wait till all the Influence of Government was made use of to persuade, and all it's Powers were stretched to the utmost, and new ones assumed, to compel them to march? No, on the contrary, they made the most speedy Applications they possibly could to the Government, for Leave to march to the Assistance of their Neighbours, believed, by them, to be in Distress; and accordingly in a very few Days at least Eight Hundred Men of Kent and Cæcil, were far advanced towards the Northern Frontier of this Province, on their Way to meet the Enemy; and the Militia of several other Counties had, in the same Time, we are informed, got themselves in Readiness (as well as they could) to march on the same Occasion; when happily, the Report proved to be groundless. The Alacrity, with which many Gentlemen accompanied your Excellency to the Western Frontier, after the unhappy Defeat of his Majesty's Troops under General Braddock, upon only the bare Suggestion of an Invasion, we presume you cannot but be mindful of. But upon the present Occasion, as there was not so much as a Report of even an Incursion of a single Enemy, among the most distant of the Frontier Settlers, it cannot be wondered at that the Militia of Queen-Anne's and Kent Counties shewed so great an Unwillingness to march out, and expose themselves to the Severities of the most rigorous Season of the Year, to do a Duty they pay others to perform; and which never was, by any Law of this Province, intended to be imposed upon them; till at Length by Threats of Punishment, we presume, they were induced to move; for we cannot learn, that any compulsive Methods have yet been made use of, agreeable to the Mode prescribed by the aforesaid Law, against any who refused to go.

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And we presume it will be as little wondered at, if the Militia of Calvert, or any other County, at this Time ordered to march, should to a Man refuse; as this Province is happily free from any Invasion, or any Report of one, and is preparing, in Conjunction with the neighbouring Colonies, and his Majesty's Regular Forces, to act vigorously and offensively against the Enemy; and there is no small Reason, from a late Message of his Honour Governor Denny, to the Assembly of Pennsylvania, to hope, that most of the Indians to the Westward of us are well inclined, at least to forbear their Incursions.

Upon the Whole, we cannot but entertain the warmest Hopes, that your Excellency, moved by the calamitous Circumstances, which many of his Majesty's faithful and truly loyal Subjects have already been and must inevitably be reduced to, by being marched to the Frontier of this Province, at a Season of the Year the most severe, and there stationed for so long a Time, as must render it impossible for them to give that Attendance to their Crops which is necessary, in order to procure a bare Subsistence to their Families, and to enable them to pay the Public Taxes, necessarily already, and which must be hereafter imposed, for his Majesty's Service, and their own Security: And clearly sensible of the slavish Condition we and our Posterity must be reduced to (for we are presuaded from your

L. H. J. Liber No. 50 April 17 p. 49 Excellency's real Inclination) by the introducing into Practice, and establishing such a Power, under the aforesaid Law (were it undoubtedly in Force, which we cannot allow) as your Excellency in the present Case has been advised to carry into Execution: We say, we cannot but depend, that your Excellency's really benevolent Disposition will so far excite your Compassion for our Fellow-Subjects, who have suffered on the late, and who may suffer on the present Occasion, and our latest Posterity who must suffer on all like Occasions, that it will induce you to take an attentive and dispassionate Review of the whole Affair; from which we must express our Confidence, that your Goodness will prompt you to give immediate Directions for preventing any further Attempts for marching the Militia from Kent County, who have so greatly suffered already; and to recal your Orders for the March of the Militia of Calvert; or any other Counties, now under Orders for that Purpose (those of Queen-Anne's County we need not mention, as their Sufferings are now past Redress) that they may all, at least while they pay so many to protect them, remain quiet at their Homes, in the Pursuit of their several Occupations and Employments, for the Support of their Families, and the Benefit of the Public.

And we must further express our Confidence, that your Excellency will not for the future, give any Orders for the March of any of the Militia of this Province, unless at a Time when the Occasions, mentioned in the aforementioned Law, do really and manifestly exist; and when they do, we are persuaded the People will readily overlook any extraordinary Exertion of Power, that such calamitous Circumstances might render absolutely necessary for their Safety.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Alexander Williamson, Esq; and Mr. Owings, do acquaint his Excellency, That this House hath prepared an Address and Remonstrance, to be presented to him, and desires to know when and where he will receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address and Remonstrance immediately in the Council Chamber.

p. 50 Ordered, That Philip Hammond, Esq; with Twelve more, do present the Address and Remonstrance to the Governor.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Reynolds appeared in the House.

Mr. Plater hath Leave of Absence.

On Motion, the Question was put, That the following Question be now put, viz. That the Bill, entituled, An Act for Reducing the Allowance of the Councillors, Deputies and Delegates, that shall

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serve in the General Assembly, and ascertaining the Allowances of the Clerks and other Officers of both Houses, and for securing the Independency of the said Deputies and Delegates, be Read the second Time To-morrow Morning at Nine of the Clock. Resolved in the Negative.

For the Affirmative,

Plater,
Key,
Tilden,
Worthington,
Waggaman,
Lowes,
Gale,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Gray,
Sulivane,
Dulany,
Handy,
Harris.
16

For the Negative,

Williamson,
Hynson,
Rasin,
Hammond,
Gassaway,
Carroll,
Reynolds,
Hanson,
Lecompte,
Govane,
J. H. Dorsey,
Owings,
Hyland,
Earle,
Baker,
Ward,
Fraser,
T. Gantt,
Lloyd,
Bracco,
Chapline,
E. Dorsey,
Beatty,
Cresap.
24

The House adjourns till the Morrow Morning at 8 of the Clock.

Tuesday, April 18, 1758. April 18

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. J. J. Mackall, Mr. Murdock, and Mr. Edward Gantt, appeared in the House.

Major Hyland brings in and delivers to Mr. Speaker the following report vizt.

By the Committee Appointed by the Honourable the Lower House of Assembly to Inspect the Arms and Ammunition and Accounts relating thereto.

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Your Committee having inspected the Arms and Ammunitions in the City of Annapolis do find that there is in the Possession of the Armorer the following Arms and Ammunition to wit

In the Council Chamber.

300 New Muskets with Slings. 70 bright hilted Swords 2 Drums and Sticks 42 Pikes and Halberts very rusty 25 Buff Slings with

L. H. J. Liber No. 50 April 18 Buckets 67 Slings D:° without Bucketts. 16 Daggers 50 Sword Blades and 30 good Trumpets.

Over the Council Chamber.

3 New Drums with Sticks 4 Old Drum Slings 6 old Drums 16 Pair of old Drum Sticks 12 Buff Slings 3 Neat Leather Slings 7 Cartouch Boxes 25 Old D.° 5 Spantoons and 1 Broken Halbert 13 Carbines and 21 Muskets their Locks want mending and other repairs 16 Cutlasses without Scabbards 25 new Bayonets and Scabbards.

Over the Conference Chamber.

200 New Muskets and Slings 8 Muskets with three Slings very rusty 1 Ditto in good Order 74 Ditto not fit for use nor worth repairing 3 Chests of Matches 15 Carbines 87 Pistols 8 P.r ditto rusty 1 D.° out of Order 22 Old Bayonets 90 Buff Sword Belts 33 Bright hilted Swords 130 black Hilted ditto 4 Broken Ditto 1 Brass hilted Sword 8 Black hilted D.° very Rusty 44 P.r of Holders 500 new Cartouch Boxes 500 P.r Bullet Moulds and 500 Bayonets.

In the Cellar under the Conference Chamber.

50 Caggs of Musquet Ball 1 Box flints 6 Barrels of Bar lead (except 200.lb w.t delivered the 17.th March 1758. to M.r Donald Campbell Quarter Master of the 2.d Battalion of the Royal American Regiment By the Governors Order) 997.lb of mixed Ball

In the Powder House.

134 Buff Sword Belts 25 Barrels Powder marked PM 28½ Barrels D.° marked FLB 79 half hundred Caggs of Ball ½ Barrel Pistol Ball ½ Barrell Musquet Ball ¼ of a Box of Gun Flints.

At the half Moon Battery

15 Peices of New Cannon fixed on Wood wanting Aprons and Tonkins and tho' it has been often Advised to have those Cannon paid and well Painted for their Preservation, yet by Neglect and want of proper Care your Committee are Apprehensive they will not be fit for Use but even dangerous to fire in a few Years.

p. 52 And your Committee beg leave to inform your Honourable House there is not any One Peice of the Old Cannon on the Point, the place where they used to Lie.

And your Committee do find that since the last Report the Armourer delivered on the 6.th Febry 1758. out of the Magazine the following Stores viz.t One Drum to William Butterfield, 4.lb of Gun Powder 12lb Carbine Balls 2. New Carbines and one Bayonet 4 Old Carbines 1 New Musquet and Bayonet to Capt. Cassons Company by Order of the Governor as ꝑ the Armourers Account Signed appears. And that on the 10.th of April 1758 Capt Casson returned into the said Magazine 5 Carbines & One Musqet. L. H. J. Liber No. 50 April 18

All which is humbly Submitted to the Consideration of your Honble House

Signed ꝑ Order W. Wilkins Clk

Which was Read and Ordered to lye on the Table.

On Reading the Second time the Address to his Excellency in Answer to his Message of the 16.th of December last with the Amendments the same was Indorsed Read Approved and Ordered to be Ingrossed.

The Bill Entituled An Aiding Supplementary Act to An Act Entituled an aiding Supplementary Act to An Act to enable the Justices of Baltimore County Court to Assess & Levy on the Taxable Inhabitants of S.t Georges Parish in that County a Sum of Money for the Uses therein mentioned.

Was Read the Second time and will pass and was sent to the Upper House by M.r Govane and M.r J. Hammond Dorsey.

The House Adjourned till 2. of the Clock

Post Meridiem

The House met according to Adjournment. M.r King appeared in the House.

The Bill Entituled a Supplementary Act to the Act Entituled An Act for Granting a Supply of £40000 for his Majestys Service &c.t

Was Read the Second time and will pass and was sent to the Upper House by M.r Bracco and M.r Wilson

Richard Lee Esq.r from the Upper House delivers to M.r Speaker the following Message Viz.t

[This lengthy message from the Upper House is printed in full in the Upper House Journal pp. 480-491]

And the Bill, entituled, An Act for Granting a Supply of £45,000 for his Majesty's Service, &c. p. 66

On Motion, Resolved, That this House will take into Consideration on the Morrow Morning, the Message from the Upper House, brought by Richard Lee, Esq; this Afternoon.

The Bill, entituled, An Act for the Security of Purchasers and Others, claiming by or from Aliens, was Read the second Time, and the Question was put, that the said Bill do pass. Resolved in the Negative.

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For the Affirmative,

Williamson,
Hynson,
Rasin,
Waggaman,
Lowes,
Gale,
Wilson,
Goldsborough,
Sulivane,
Cockey Deye,
Ward,
Dulany,
Bracco,
Handy,
Harris,
Chapline,
E. Dorsey,
Beatty,
Cresap.
19

For the Negative,

Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
M. Tilghman,
Edmondson,
Oldham,
Gray,
Lecompte,
Govane,
J. H. Dorsey,
Owings,
Hyland,
Earle,
Baker,
Murdock,
Fraser,
T. Gantt,
Lloyd,
King,
E. Tilghman.
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In Pursuance of the aforegoing Resolution, the said Bill was Indorsed, " Read the second Time, and will not Pass."

On Motion, That a Committee be appointed to enquire into the Proposals made by Thomas Clark and George Scott, and those of Thomas Bacon, for Publishing a Revised Copy of the Laws of this Province; Ordered, That Mr. Hammond, Mr. Dorsey, Mr. Goldsborough, Col. Tilghman, Mr. Carroll, Mr. Dulany, Mr. Matthew Tilghman and Mr. Murdock, be a Committee for that Purpose; and that they make Report thereof to the House.

On Reading the second Time the Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, &c. the Question was put, That the Allowances of the Provincial Magistrates be Reduced by the said Bill. Resolved in the Affirmative.

For the Affirmative,

Williamson,
Hynson,
Rasin,
Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Goldsborough,
M. Tilghman,
Edmondson,
Gray,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Ward,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Handy,
Chapline,
E. Dorsey,
Beatty,
Cresap.
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For the Negative,

Waggaman,
Lowes,
Gale,
Wilson,
Oldham,
Dulany,
Murdock,
Harris.
[8]

p. 68 The Question was put, That the Allowances of the County Magistrates be Reduced by the said Bill. Resolved in the Affirmative.

For the Affirmative,

Rasin,
Tilden,
Hammond,
Gassaway,
Carroll,
J. J. Mackall,
Reynolds,
Hanson,
Goldsborough,
M. Tilghman,
Edmondson,
Oldham,
Gray,
Lecompte,
Cockey Deye,
Hyland,
Earle,
T. Gantt,
E. Tilghman,
Chapline,
E. Dorsey,
Beatty,
Cresap.
23

For the Negative,

Williamson,
Hynson,
Worthington,
E. Gantt,
Waggaman,
Lowes,
Gale,
Wilson,
Sulivane,
Govane,
J. H. Dorsey,
Owings,
Ward,
Dulany,
Murdock,
Fraser,
King,
Lloyd,
Bracco,
Handy,
Harris.
21

On Motion, the Question was put, That Leave be given to insert a Clause in the said Bill, for raising a Sum of Money for the Payment of an Agent in Great-Britain, for the Service of this Province. Resolved in the Affirmative.

For the Affirmative,

Williamson,
Hynson,
Hammond,
Gassaway,
Worthington,
J. J. Mackall,
Reynolds,
Hanson,
Goldsborough,
M. Tilghman,
Edmondson,
Gray,
Lecompte,
Govane,
J. H. Dorsey,
Owings,
Hyland,
Earle,
Baker,
Murdock,
Fraser,
Lloyd,
E. Tilghman,
E. Dorsey,
Beatty.
25

For the Negative,

Rasin,
Tilden,
E. Gantt,
Waggaman,
Lowes,
Gale,
Wilson,
Oldham,
Sulivane,
Dulany,
T. Gantt,
King,
Bracco,
Harris.
14

The House adjourns till the Morrowing Morning at 8 of the Clock.

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Wednesday, April 19, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Plater and Mr. Key. The Proceedings were Read.

On Progression in Reading the second Time the Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, &c. the Question was put, That the Councillors, for each Day they attend in Assembly, as Members of the Upper House, the Judges of the Court of Appeals, Delegates and Provincial Magistrates, who dwell in the City of Annapolis, be Reduced by the said Bill one half less than what is allowed to those who don't reside in the said City. Resolved in the Affirmative.

For the Affirmative,

Williamson,
Hynson,
Rasin,
Hammond,
J. J. Mackall,
Hanson,
M. Tilghman,
Oldham,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Ward,
King,
E. Tilghman,
Bracco,
Handy,
Beatty,
Cresap.
22

For the Negative,

Tilden,
Gassaway,
Worthington,
Reynolds,
E. Gantt,
Waggaman,
Lowes,
Wilson,
Goldsborough,
Edmondson,
Gray,
Sulivane,
Baker,
Murdock,
Fraser,
T. Gantt,
Lloyd,
Harris,
Chapline.
19

The Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, that serve in the General Assembly and ascertaining the allowances of the clerks and other officers of both Houses and for securing the independency of the said Deputies and Delegates was Read and committed for Amendments.

Ordered, That Col. Tilghman be added to the Committee appointed to prepare and bring in the Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, &c.

p. 70 The Order of the Day being Read; the House took into Consideration the Message from the Upper House of Yesterday by Richard Lee, Esq; and on Motion, the Question was put, That the said Message be Read and Considered Paragraph by Paragraph. Resolved in the Negative.

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April 19

For the Affirmative,

Williamson,
Rasin,
Tilden,
Worthington,
E. Gantt,
Waggaman,
Lowes,
Gale,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Gray,
Ward,
Fraser,
King,
Bracco,
Handy. [18]

For the Negative,

Hynson,
Hammond,
Gassaway,
J. J. Mackall,
Reynolds,
Hanson,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Dulany,
Murdock,
T. Gantt,
Lloyd,
E. Tilghman,
Harris,
Chapline,
Beatty,
Cresap.
25

On Motion, Ordered, That a Committee be appointed to take into Consideration the Message from the Upper House, and Report to the House their Opinion of the several Objections therein contained, against the Frame of the Bill for Granting a Supply of £45,000 &c. and that Colonel Tilghman, Mr. Hammond, Mr. Dorsey, Mr. Matthew Tilghman, Mr. Murdock, Mr. Carroll, Mr. Lloyd, and Mr. Williamson, be a Committee for that Purpose.

Mr. Ward and Mr. Hanson have Leave of Absence.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

Whether the Business relating to the Naval-Officers of Patowmack, and the Port of Annapolis, and the Commissioners of the Paper-Currency-Office, had been the Subject of one or more Addresses, previous to that of the Tenth of December, such was the Nature of it, and so intimately were the Public Funds concerned therein, that we should think the bare Mention of it ought to have been sufficient to have induced your Excellency to a Compliance with our Request; but to our great Concern, we find that your Answer to our last Address on this Subject, affords us too just an Occasion to complain, that the repeated Representations of the Lower House of Assembly p. 71

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and their earnest Requests to your Excellency, have not yet had the desired Effect, and to fear their ill Success is to be attributed rather to a total Disregard of the reasonable Complaints of the Representatives of the People, than to any other Cause.

If, by forming a Judgment, and coming to a final Determination, upon our Representations, your Excellency means, as it would seem from your Application of that Right to the Case in Hand, a Right of expounding the Laws of this Province; we must express our Opinion to the contrary; for we presume that final Determinations upon the Sense and Meaning of the Laws ought not to be made by any but those, who, agreeable to our Constitution are appointed, for that Purpose, the proper Judges in the Courts of Law: But since your Excellency has thought fit to lay before us your Reasons for not ordering the Bonds of the Naval-Officers of Port Annapolis and Patowmack, and the Bonds of the Commissioners of the Paper-Currency-Office, to be put in Suit, we shall consider them, and endeavour to shew, they are by no Means sufficient to acquit those Officers of Neglect of Duty, and consequently that we are right in our Application to your Excellency, to do Justice to the Country, by prosecuting them for that Neglect; and we must assure your Excellency, that tho' in your Opinion our Representations may, at any Time, injuriously affect the Life, Liberty or Property of any Individual in this Province, yet, as long as they appear just and reasonable to us, we shall think it our indispensible Duty to repeat our Applications for Redress.

p. 72 Your Excellency, after inserting an Extract of the Report of the late Lower House, and their Address in Consequence thereof, is pleased to say, "tho' several Remarks might be made both on the Report and Address, I shall nevertheless, for Brevity Sake, content myself with one upon the Difference between them, viz. that tho' the Report treats only of Convicts and Convicts to serve for Seven Years, yet that House, in their Address in Consequence of that Report, seem fond of considering all the Importations, mentioned in the Report, as Servants for Seven Years, in Contradistinction to Convicts." This is indeed a curious Discovery; you allow all Transported Convicts are by Statute to serve for Seven Years at least; Are they not then Servants for Seven Years and upwards? If they are, where is the Difference between the Report and the Address? Surely it can only be in Terms; for if the Report mentions only Convicts, and all Convicts are Servants for Seven Years and upwards, How is it possible that by the Address that House should seem fond of considering all the Importations mentioned in the Report, as Servants for Seven Years, in Contradistinction to Convicts, when they expressly refer to the Report, which treats only of Convicts?

Your Excellency remarking still on that Address, again says, "and at the same Time seems so averse to having any Thing to say to

Convicts, tho' that Report treats of nothing else, as to presume, contrary to the Report upon which that Address is founded, and with which that House had concurred, that they (the Officers) had Entered them under the Title of Convicts, tho' they were simple Servants for Seven Years;" we shall only in Answer to this, recite the Part of that Address which your Excellency here remarks upon, as it will be sufficient to shew, that Exactness is not so inherent in your Excellency, as to be Proof against all Examination; for we shall not presume that your Excellency could possibly be wanting in the strictest Regard to Truth and Candour. The Words of the Address are these: "Who (the Naval-Officers) notwithstanding they have received the Duty on Servants for Seven Years and upwards, from many Masters of Vessels, have nevertheless omitted to receive it from others, because (as we presume) they (the Masters of Vessels) have Entered them under the Title of Convicts." Before we leave this Part of your Message, we must trouble your Excellency with an Extract of your Message of the 17th of May, 1757, in Answer to the Address here mentioned, in these Words: "I am advised that the Refusal of any Masters of Vessels to pay a Duty on Convicts by them imported into this Province, would not justify the Naval-Officer in refusing to Enter them." By this Act it clearly appears, that whatever may have since happened to alter your Opinion, that at the Time that Address was presented, your Excellency considered it in the Light we do, as including Convicts under the general Name of Servants for Seven Years. And now give us Leave to ask, What could induce your Excellency, upon a View of these Papers, so clear in themselves, and so consistent with each other, either to believe the Representations of that House unjust, or our Complaints in Consequence of them, unreasonable? p. 73

We shall now, without the least Difficulty, give your Excellency a full and direct Answer to your plain Question, viz. "Do you insist upon the Naval-Officers Collecting, under the Act of Assembly made in 1754, for his Majesty's Service, the Duty of 20 s. ꝑ Head upon Convicts Transported by Virtue of the Statute, or, Do you not?" We do insist (and shall till better Reasons than any hitherto offered induce us to alter our Opinion) that the Naval-Officers Collect, under the Act of Assembly made in 1754, for his Majesty's Service, the Duty of 20 s. per Head upon all Servants imported into this Province to serve for Seven Years or upwards (except as therein excepted) be they Convicts or Servants of any other Denomination: Conscious as we are of the warmest Affection and Zeal for the Constitution, and Reverence for the Laws of our Mother Country, and moreover possessed with the strongest and most ardent Desire to be more immediately under their benign Influence, which we take this public Occasion to avow to your Excellency, and the World; we see not the Imprudence, nor do we apprehend we shall be liable to the

L. H. J. Liber No. 50 April 19 Imputation of Want of Respect to those Laws in Imposing a Duty on Convicts, in which we cannot think her Government to be at all concerned. Private Persons, Merchants, contract with the Government p. 74 for the Transportation of these Felons, and are amply rewarded for it by the great Gain they make by the Sale of them here, which very well enables them to pay this Duty. Our Neighbours of Pennsylvania have imposed the Duty of £5 ℘ Poll on Convicts for many Years, and yet without giving the least Offence that we ever heard of; Why then are we to apprehend giving Offence, by the Imposition of so small a Duty? Indeed, in a Message from your Excellency of the 7th of May, 1757, we are told, that his Majesty's late Attorney-General, the present Lord Mansfield, has given it as his Opinion, that no such Duty can be levied here; but as we have understood this Opinion was obtained by Persons nearly interested in the Event, we are inclined to think it was not founded on a very fair and impartial State of the Case; and therefore, until some regular and authoritative Inhibition from the Government of our Mother Country, shall circumscribe and confine the Effect of our Law, Imposing a Duty on all Servants to serve for Seven Years or upwards, among which Convicts undoubtedly are included, it will and ought to have it's full Operation and Force: Precarious and Contemptible indeed would the State and Condition of our Laws be, if the bare Opinion of any Man, however, distinguished in his Dignity and Office, yet acting, as in the present Instance, in the Capacity of a private Lawyer or Council, should be sufficient to shake their Authority, and destroy their Force.

But, that the Merits of this Dispute may be still better understood, we must in our Turn, have Recourse to that Address of the Lower House, containing, what you caſl, the Charge against the Naval Officers which we think may more fairly be thus stated:

The Duty on such Servants is required to be paid at the Time of their Entry.

It was the Duty of those Officers to have refused to have entered such Vessels, until the Duty was paid down:

And not to have taken any Impost Bonds for it, which if they did, is an Indulgence unknown to the Law, and for which, as we apprehend, the Naval Officers ought to be answerable. From hence it is plain (though your Excellency in stating this Charge, by leaving out a few Words of that Address, seems desirous to have it believed that the late Lower House had asserted the Taking of Impost Bonds was an Indulgence unknown to the Law in general) that nothing more is said, or could be intended, but that the Naval Officers ought to have collected the Duty imposed on all Servants by the Act in 1754, at the Time of Entry, and not to have taken any Impost Bond for it, which, if they did, was an Indulgence they had no Authority by that Law to give, and were therefore answerable for: That the

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permitting the Importer to Land his Goods on giving Bond for the Payment of the Duties, is an Ease and Encouragement to Trade, we readily allow, but surely the Legislature are the proper Judges when such Indulgence is necessary, or convenient; and where they have not directed it, in the Act imposing any Duties, neither the Officer can have Authority to take Bonds, as a Security to the Public for the Duties, or the Trader who has Duties to pay, a Right to claim an Exemption from paying them down at the Time of Entry; and we apprehend the Inference drawn by your Excellency from the two Acts of 1715 and 1717, the one prohibiting the Attorney-General from putting Bonds for Country Duties in Suit, unless under Circumstances there specified, and the other giving a Fee for an Impost Bond, that Impost Bonds have been constantly and universally taken from the earliest down to the present Times, in all Cases, without Exception, is too extensive, and it is not incumbent upon us to shew a case in which they have not been taken; 'tis sufficient to destroy the Inference: That we shew there were other Laws of this Province at the Time of making those Laws, which directed or impowered the Officers to take Impost Bonds for Duties, we shall mention two of them, One an Act confirming to the Governor of this Province the Duty of Three Pence ꝑ Ton upon the Burthen of Ships and Vessels made in 1704, prior to both the Acts your Excellency mentions; the other an Act laying an Imposition on Negroes, and on several Sorts of Liquors imported, &c. made in the Year 1715, prior to the Act giving a Fee on Impost Bonds. From hence then arose the Necessity of Restricting the Attorney-General in putting this Kind of Bonds in Suit, and of Limiting the Naval Officer's Fee for taking them by the Acts you mention; for as the Law abovementioned, made in 1704, directed or allowed them to be taken, we presume it was found Necessary to restrain the Officers, (ever fond of encreasing Fees), within due Bonds: And we think it may be fairly inferred, that if Impost Bonds had been constantly and universally taken, from the earliest down to the present Times, in all Cases, without Exception, it would have been necessary to have laid those Restrictions much earlier; indeed had that been the Case, it would have been altogether unnecessary by any particular Law to have given a Power to the Naval Officer in any Case to have taken such Bonds, since, according to your Excellency's Argument, the constant and universal Custom, must have sufficiently established such a Power. But your Excellency will probably find, upon better Information, that this constant and universal Indulgence given to Trade has been no more than an Indulgence given by the Officer at his own Risque, with a View to draw Traders to his Office, and thereby increased his own Fees and Perquisites; so that we must still insist, that Impost Bonds ought not to have been taken for the Duties imposed by the Act of 1754, as being an Indulgence unknown to the Law, that Law we mean, as it is plain the late Lower House

p. 75

L. H. J. Liber No. 50 April 19 p. 77 did, imposing the Duty; for we take it to be clear in Law, that Customs and Duties on all Goods imported, arise due to their Importations, and we are confirmed in this Opinion by the constant Practice at the Custom-House at Home, not to grant a Warrant for Landing of any Goods till the Duties are paid, unless where Goods are expressly Bondable by Act of Parliament: So that though the Duty on Servants had not been expressly directed to be paid at the Time of Entry by the Act, it ought to have been then received by the Officers; for as the Act in that Case would not have given any Time for the Payment, it must be intended to be payable immediately. We are further confirmed in this Opinion by the Act of 1715 before mentioned, by which it is Enacted, "That all Masters of Ships and Vessels, or Others, importing Irish Servants into this Province by Land or Water, at the Time of their Entry, shall pay to the Naval Officer, for the Time being, belonging to such Port or Place, where they make their Entry, the Sum of Twenty Shillings Sterling ꝑ Poll, &c."

And by the next following Cause of the same Act, it is Enacted, "That for every Negro imported into this Province, either by Land or Water, the Importer or Importers of such Negro or Negroes shall pay unto the said Naval Officer aforesaid, the Sum of Twenty Shillings Sterling ꝑ Poll, &c."

And by the next following Clause it is Enacted, "That from and after the Publication hereof, all the Masters of Ships or Vessels, and all other Persons, that shall, by Water, import any Rum, Brandy, Spirits, or Wine, into this Province, shall pay unto the Naval Officer aforesaid, where they make their Entry, the Sum of Three Pence ꝑ Gallon, for every Gallon of Rum, Brandy, Spirits, or Wine, so imported into this Province, as aforesaid, &c."

And by a subsequent Clause of the same Act it is Enacted, "That every Master of a Ship or other Vessel, at the Time of his Entry of such Ship or Vessel, where such Liquors shall be imported, as p. 78 aforesaid, shall render, upon Oath, an Account of the Quantity and Quantities of Liquors aforesaid, and the several and respective Naval Officers within this Province, for the Time being, shall, at the Time of their Entry of such Ships or Vessels as aforesaid, take good and sufficient Security, in his Majesty's Name, for the Payment of the said Imposition last mentioned."

From which several Clauses it clearly appears, That though it was not expressly required by the Act, that the Duty thereby imposed upon Negroes should be paid at the Time of Entry, yet it was the plain Intent and Meaning of the Legislature, that as well the Duty upon Negroes as that upon Irish Servants, should be paid at the Time of Entry, by confining the Security, that was hereby directed to be taken, to the Payment of the Imposition last mentioned, which was the Duty upon Liquors, otherwise the Words Imposition last

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would have been left out, and the Words Impositions before inserted in their stead: May we not then venture, upon the Authority of this Act, to conclude it was the Sense of the Legislature in the Year 1715, that the Naval Officers ought not to take Impost Bonds, for Duties imposed upon Imports, unless expressly directed by the Act that laid the Imposition. Having thus endeavoured to shew, and we hope to your Excellency's Satisfaction, that no Impost Bonds ought to have been taken in this Case, because it was an Indulgence to the Trader which the Act did not direct, and was consequently unknown to the Law, we shall next consider that extraordinary Train of Reasoning your Excellency has been led into on the Words of the Act, at the Time of Entry, which if it had not flowed through your Excellency's Pen, we should have thought it descending too low to have taken the least Notice of; but before we proceed we shall insert the Words of the Act in Dispute, which are as follows, viz. "That all Masters of Ships and Vessels, and others, importing Servants into this Province by Land or Water, to serve for the Term of Seven Years or upwards, at the Time of their Entry shall pay unto the Naval Officer, for the Time being, belonging to such Port or Place where they make their Entry, the Sum of Twenty Shillings Current Money ꝑ Poll for each Servant; and that all Masters of Ships or Vessels, and others, importing Servants into this Province by Land or Water, to serve by Indenture or Custom of the Country for a less Term than Seven Years, at the Time of their Entry shall pay unto the Naval Officer, for the Time being, belonging to such Port or Place where they make their Entry, the Sum of Five Shillings Current Money ꝑ Poll; and that for every Negro imported into this Province, by Land or Water, the Importer or Importers of such Negro or Negroes, shall pay to the said Naval Officer the Sum of Ten Shillings Current Money, over and above the Duties or Impositions already directed and appointed to be paid by an Act or Acts of Assembly of this Province; and that there shall be paid a Duty of Two Pence Current Money ꝑ Gallon on all Madeira Wine imported into this Province, by Land or Water, by the Importer or Importers, to the respective Naval Officer of the Port or Place where the same shall be imported or brought into this Province by Land or Water as aforesaid." p. 79

Upon the bare Perusal of which, your Excellency concluded, that the Expression, at the Time of Entry, must naturally relate to what precedes, viz. Masters Importing Servants to serve for Seven Years or upwards at the Time of Entry, and not to what follows shall pay, &c. This, we readily believe, was on a bare Perusal of the Words; for the least Reflection would have furnished your Excellency with a much more easy and natural Construction, viz. that the Words (at the Time of their Entry) which are the true ones, had Relation to the Time of Payment of the Duty, and that the

L. H. J. Liber No. 50 April 19 most natural and sensible Antecedent to the Words (their Entry) is Masters of Vessels, and Others, Importing Servants; and then your Excellency would have viewed the Matter in this Light; (all Masters of Vessels importing Servants to serve for Seven Years or upwards, at the Time of their Entry shall pay to the Naval-Officers); and had the Legislature intended the Words (at the Time of their Entry) to relate to Servants to serve for Seven Years or upwards, so as to be descriptive of the Time of Servitude, surely the most natural and easy Expression would have been, not at the Time of their Entry, but from the Time of their Entry; for we are persuaded not only from the Abilities of the then Lower House, but also from those of the other Branches of the Legislature, that if so wild a Scheme as making the Time of Servitude to commence for the Purpose p. 80 your Excellency contends for, at the Time of Entry, could possibly have entered into their Heads, they could not have missed so plain, easy, and clear a Manner of expressing themselves; but, that this could not have been their Intention, every one must be convinced, that would allow them to know, what no Planter in the Country is ignorant of, that the Time for the Commencement of Servitude of all Servants imported, has been long settled by Law and Custom, to be on the Day the Ship or Vessel Importing them, first anchors within this Province. As the Legislature then could not overlook a Law so universally known, Can it be presumed they would make use of the Words, at the Time of their Entry, merely as descriptive to shew upon what Servants the Duty of 20 s. was to be laid, and on what the Duty of 5 s. when, without these Words, it would have been abundantly clear? as will appear from the following View of the Paragraph without those Words, viz. "That all Masters of Vessels, and Others, Importing Servants into this Province by Land or Water, to serve for the Term of Seven Years or upwards, shall pay unto the Naval-Officers, &c. the Sum of 20 s. ℔ Poll for each Servant; and that all Masters of Vessels Importing Servants to serve by Indenture or Custom of the Country for a less Term than Seven Years, shall pay the Sum of 5 s. for each Servant:" By which every one immediately sees how useless the Words must be in the Sense your Excellency contends for.

Besides should such a Construction prevail, it must follow, that the Act would defeat and be repugnant to itself; for the Law settling the Commencement of the Time of Servitude not being even virtually repealed by this, must still continue to operate; the Consequence of which plainly would be, that tho' the Act in 1754 clearly intended to impose the Duty of 20 s. on all Servants imported for the Term of Seven Years or upwards, yet that Duty could only be collected on such as were to serve upwards of Seven Years, because these imported to serve for Seven Years not being Entered till after the Day of first Anchorage, (which almost in every Instance must be the Case) would not at the Time of Entry have Seven Years to serve, and consequently would only be liable to the Duty of 5 s. it therefore cannot be imagined the other Branches of the Legislature, whatever might have been done by the Lower House, could possibly have overlooked or fallen into so absurd and ridiculous a Scheme; nor can we believe your Excellency ever could have seen these Words in any other Light than what we contend for, or could ever have put a different Construction on them, had it not been suggested to you by a Person whose Interest it was to have them misconstrued and misunderstood; and what still makes this Matter more plain, if it is possible to make it plainer, is a Clause in the said Act of 1754, by which it is provided, "That in Case any Duty shall be paid for any Negroes or Servants, in Virtue of this Act, and that such Negroes and Servants cannot be sold by the Importers, and that such Importer shall desire to export such Slaves or Servants, and shall give Bond, with sufficient Sureties, to the Naval-Officer, to whom such Duties hath been paid, that he or they shall and will export such Slaves or Servants to any other his Majesty's Plantations, it shall and may be lawful for such Naval-Officer to repay the same Duty for such Slaves or Servants, so as aforesaid by him received, in Proportion to the Number of Slaves or Servants so bonded to be exported;" which evidently shews that it was the Meaning of the Legislature, that the Duty should be paid at the Time of Entry, otherwise the Act would not have made a Provision of a Repayment of the Duty in Case of Exportation. But your Excellency has very unfortunately entertained an Opinion, that the Act in this Sense of it would operate to the Destruction of Two old Acts of Assembly, and a long uninterrupted Course of Trade, and would introduce Inconveniencies to the Trader; however, when you have considered that tho' our Construction of this Act should take place, yet those old Laws not being repealed by it, would still exist, and that the Attorney-General would still lay under the Restrictions of the first, and the Naval-Officers under the Limitation (as to the Fee on Impost-Bonds) of the last, and that the long uninterrupted Course of Trade (if by that you mean the Practice of taking Impost-Bonds) could be affected, or the Naval-Officers restrained, only in a single Instance, you will perhaps think there was little Occasion to take up a forced Construction of those Words, in order to obviate Inconveniencies and Difficulties which could not possibly flow from the true one; we are persuaded what we have already said on this Head is sufficient to convince every Man (if it was not abundantly plain by the Act itself) that the Construction which the late Lower House, as well as ourselves, have given that Act of Assembly, is clearly right, and we hope by this Time, it sufficiently appears that the late Lower House were right in their Opinion,

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That the Naval-Officers ought not to have taken Impost-Bonds for the Duty on Convicts, because it was an Indulgence unknown to the Law:

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That the Duty on such Servants is required to be paid at the Time of Entry:

And that it was the Duty of those Officers to have refused to have Entered the Vessels Importing them, until the Duty was paid:

And consequently that their Conclusion, drawn from those Premises " for which those Officers ought to be answerable " cannot be wrong.

We can by no Means allow, that the Report of the Committee of the late Lower House, omits doing that Justice to the Naval Officers which is strictly their due; for though perhaps the Committee in that Report, might have more clearly expressed by what Means they came by their Knowledge of the Refusal of the Masters to pay the Duty on Convicts, and might have mentioned the N. B. placed at the Foot of the List of Entries, in which the Naval-Officer of Annapolis mentions his being in possession of Impost Bonds, on which the Duties, if due, might be Recovered, yet the nature of the Charge must still have been the same, viz. That they had omitted to collect the Duty on Convicts: And as the late Lower House, by their Address, gave it as their Opinion, that the Naval-Officers ought not to have taken Impost Bonds for that Duty, we must presume they were
p. 83 informed that such Bonds were taken, and very probably from the abovementioned N. B. and since there is no room to imagine they would have been of a different Opinion, upon receiving their Information from the Report of the Committee, it seems very clear, that every thing done, in consequence of the Report as it now stands, must have been done, if the Report in the most clear and express Manner, had mentioned the N. B. at the Foot of the List of Entries: Where then is the Foundation for your Excellency's Insinuations, that Facts were not mentioned, and that some Tranſactions were noticed, when others appearing upon the Face of the same Evidence, were concealed, merely for the Sake of patching up a Charge against the Naval-Officers, in order to get their Office Bonds sued; that the Representations of the late Lower House were unjust, and our Complaints in Consequence of them unreasonable?" We are really concerned to find your Excellency, on such slight Pretences, charging the Representatives of a People, with Want of Firmness and Candour, and determining not to pay the least Regard to their Representations.

And now to conclude this Part of our Address; since it is clear to us that Convicts are liable to the Duty imposed on Servants for Seven Years or upwards, by the Act in Question; since it is the plain Construction of that Act, that the Duty on such Servants shall be paid by the Importer at the Time of his Entry; since all Duties are to be paid at the Time of Entry, unless it be otherwise directed by the particular Law imposing them; and since it is Clear, that Impost Bonds, except where the Law in any particular Case directs them to be Taken, are no more than an Indulgence in the Officer at his own Risque, and by no Means an established Security for Country Duties; we think it must follow, that the Naval-Officers of the Ports of Patowmack and Annapolis have been guilty of a direct Breach of Duty, in not collecting from the Importers of Convicts the Duties imposed by the Act in 1754 on Servants for Seven Years or upwards, among which Convicts are undoubtedly included: And though your Excellency is pleased to say, " But if nothing less than Suits on those Officers Bonds will Content you, I must beg to be excused;" yet we hope what we have now said may induce you to alter your Resolution; and therefore we do again request, we do insist upon it as a Matter we have a Right to expect from your Excellency, who has the Supreme Executive Power in this Government, and whose Duty it is to preserve the Laws in their full Strength, that Directions be given for the putting the Bonds of these Officers in Suit immediately: And now permit us to assure your Excellency, that as it is our indispensible Duty, so it is our fixed and unalterable Resolution, as faithful Guardians of the Lives, Liberties and Properties of the People, to Protect and Defend them as far as we are able, against all undue Exercise of Power, and every Omission and Neglect of Duty, in the Officers of this Government, from the Highest to the Lowest. This is the Spirit, we presume, that governed the late, it is the Spirit that governs this, House, and shall govern it as long as we have the Honour to set as one Branch of the Legislature of this Province.

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p. 84

We come now to the second Head of your Excellency's Message, relative to the Commissioners of the Paper Currency Office, and we shall have no occasion to detain you long upon it. We hoped, as the Monies paid so many Years ago into that Office, by Trippe, Porter, and Bradford, had not been accounted for by the Commissioners, it would have been a Motive with your Excellency more speedily to have complied with our Request to put their Bonds in Suit, in order to compel them to Credit the Public with it: And to satisfy your Excellency that the Commissioners are not intitled to that further Indulgence that you seem inclinable to give them, we beg leave to refer you to the Record of the Proceedings in the several Actions Prosecuted in the Provincial Court, at the instance of a former Lower House of Assembly, on the Sheriffs Bonds of Trippe, Porter, and Bradford, where you may see, that no less than Nine Actions were prosecuted against Trippe, and his Securities, on his Sheriff's Bonds pass'd in the Years 1740, 1741, and 1742; and that in each of those Actions, the said Trippe, and his Securities, severally Plead, that Trippe had paid the several Sums of Money collected by him as Sheriff of Dorchester County, for which his Bonds were severally sued, to the Commissioners of the Paper Office; and upon such Pleading, Issues were joined in all the said Actions; but that One only was Tried, in which the Jury found a General Verdict in favor

L. H. J. Liber No. 50 April 19 p. 85 of Trippe; that that Verdict was set aside, because one of the Jurors was no Freeholder, and a new Trial awarded; that the same Action was tried again at the next Term, by another Jury, who also gave a General Verdict in favour of Trippe; upon that Verdict Judgment was rendered, from which the Attorney-General prayed an Appeal, which was Granted but never Prosecuted; that the Attorney-General refused to prosecute the other Eight Actions against Trippe and his Securities, and suffered Non-Suits in them all; that no less than Seven Actions were Prosecuted against Porter and his Securities, on which Issues were severally joined, by the like Pleadings as were in those against Trippe; and that Three Actions were Prosecuted against Bradford and his Securities, in which Issues were, in the same Manner, and by the like Pleadings, severally joined; and that the Attorney-General refused further to Prosecute any One of those Actions against Porter or Bradford, but suffered Non-Suits in them all. When your Excellency has seen all this upon Record, which we hope you will give yourself the Trouble to do agreeable to your Resolution with your own Eyes, as you recently Declare you have little Reliance on the Candour of the Representatives of the People, will you presume that all these Non-Suits were suffered without the Privity and Consent of the Commissioners, who were so much Interested in the Event of those Suits? But suppose the Judgment rendered in favor of Trippe should be reversed, what will be the Consequence? Must there not be a New Trial? And is it not to be presumed that a Third Jury will give the same Verdict that the Two former have given? We must beg leave further to observe to your Excellency, that if the Reversal of the Judgment rendered by the Provincial Court in favor of Trippe, might be a good Reason against suing the Commissioner's Bonds, on account of that Judgment, it cannot be one why they should not be sued on account of the Money paid into that Office by Trippe, Porter, and Bradford, for which their Sheriffs Bonds were Sued, but not Prosecuted, because as we presume, the Commissioners were well satisfied that those Sheriffs would be able to prove the Payment of the Money into that Office for which their Bonds were sued: But your Excellency has been pleased to say, "that the Matter's having been dormant so many Years, may have given Col. Hammond, the only surviving Commissioner p. 86 who could be affected by those Judgments, obtained long before my Arrival in the Province, Reason to conclude that this Affair would be no more stirred against him;" it was surely high Time then, to obviate an Argument that would be daily gaining additional Strength by Delay; more especially as the Commissioner in Question has been so unreasonable as not to be satisfied with Two Verdicts (approved of by every disinterested By-stander) which leaves us little Room to hope that a Third would have any better Effect.

To conclude, we cannot dismiss this Subject without lamenting to your Excellency, that Want of Confidence, undeserved we think on our Part, with which you seem, of late, to entertain every Remonstrance of the Representatives of the People, however just and well founded, insomuch that the most frivolous Pretences and Evasions of the Persons who are the Subject of them, and, as in the present Instances, highly Interested in the Event, are sufficient to elude their Force, and frustrate our reasonable Expectations, and this in Particulars which so intimately concern the Public Funds, at a Time too, when the People labour under the Pressure of Taxes, which, however Necessary, are nevertheless extremely Grievous and Heavy to be borne: We must therefore upon this Point likewise renew our Application to your Excellency, that you will suffer this Affair to lay no longer dormant, but without Delay order the Bond of the Commissioner in Question to be put in Suit, by which your Excellency will afford a Proof most agreeable to us, and, permit us to add, most advantageous to your own Character, of the Sincerity of your repeated Declaration, That you will never Countenance any Officer who does not diligently and faithfully discharge his Duty. L. H. J. Liber No. 50 April 19

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Matthew Tilghman and Mr. King do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address To-morrow Morning in the Council Chamber. p. 87

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly; Indorsed, "By the Upper House of Assembly, 18th April, 1758. Read the first Time, and Ordered to lie on the Table.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

And thus, "By the Upper House of Assembly, 19th April, 1758. Read the second Time, and will Pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Which Bill was Read here the first Time, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 8 of the Clock.

Thursday, April 20, 1758. April 20

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Edmondson, Mr. Gale, Mr. Goldsborough, and Mr. Hanson. The Proceedings were Read. Mr. Oldham hath Leave of Absence.

L. H. J. Liber No. 50 April 20 Ordered, That Mr. Sulivane, with Five more, do present the Address (which was prepared Yesterday) to his Excellency the Governor.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Capt. Lowes hath Leave of Absence.

Mr. Wilson brings in and delivers to Mr. Speaker, a Bill, entituled, A further Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and on several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province;

Which was Read, and Ordered to lie on the Table.

Daniel Dulany, Esq; from the Upper House, delivers to Mr. Speaker, a Petition of the Vestrymen and Church Wardens of Port-Tobacco Parish, in Charles County; Indorsed, "20th April, 1758. By the Upper House of Assembly, Read and Referred to the Consideration of the Lower House.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

p. 88 Which Petition was Read here, and Ordered to lie on the Table.

Col. Henry, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Aiding Supplementary Act to an Act, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of St. George's Parish, &c. Indorsed, "By the Upper House of Assembly, 18th April 1758. Read the first time and ordered to lie on the table. Signed ꝑ order J. Ross Cl. Up. Ho. And thus "By the Upper House of Assembly, 20th April, 1758. Read the second Time, and will Pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Which Bill was Read here, and Passed for Ingrossing.

William Goldsborough, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, A Supplementary Act to the Act, entituled, An Act for Granting a Supply of £40,000 for his Majesty's Service, &c. Indorsed, "By the Upper House of Assembly, 18th April 1758. Read the first time and ordered to lie on the table. Signed ꝑ order J. Ross Cl. Up. Ho. And thus "By the Upper House of Assembly, 20th April, 1758. Read the second Time, and will Pass, with the following Amendments.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

"After the Words, a Sight of the same in the second Page of the Bill, insert the following Words, at the Dwelling House of the Purchaser, Owner, or Possessor of such Horse, Mare, Colt or Gelding, as aforesaid, and leave out the Residue of the said Clause. Leave

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out also the Proviso, next following the said Clause. Leave out also entirely the enacting Clause, Page third. In the first enacting Clause in the last Page, leave out the Words as herein before directed, and insert the following Words, after the Word recovered, viz. by Action of Debt, Bill, Plaint, Information, or Indictment, in any Court of Record within this Province.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

The House adjourns till the Morrow Morning at 8 of the Clock.

Friday, April 21, 1758.

April 21
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The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

The House took into Consideration the Message from the Upper House by Richard Lee, Esq; and on Motion, the Question was put, That this House do confer with the Upper House in relation to the double Tax upon Papists. Resolved in the Negative.

The Question was put, That the Oaths prescribed by the Bill, entituled, An Act for Granting a Supply of £45,000 &c. to be taken by Papists, be altered. Resolved in the Affirmative.

For the Affirmative,

Hynson,
Rasin,
Carroll,
Reynolds,
Waggaman,
Lowes,
Wilson,
M. Tilghman,
Gray,
J. H. Dorsey,
Owings,
Earle,
Baker,
Dulany,
Murdock,
T. Gantt,
King,
Lloyd,
Bracco,
Harris,
E. Dorsey. 21

For the Negative,

Williamson,
Tilden,
Hammond,
Gassaway,
Worthington,
J. J. Mackall,
E. Gantt,
Sulivane,
Lecompte,
Govane,
Cockey Deye,
Hyland,
Ward,
Fraser,
E. Tilghman,
Handy,
Chapline,
Beatty,
Cresap. 19

On fully considering the Message from the Upper House by Richard Lee, Esq; Ordered, That a Message be prepared in Answer thereto; and that Col. Tilghman, Mr. Hammond, Mr. Dorsey, Mr. M. Tilghman, Mr. Murdock, Mr. Carroll, Mr. Lloyd and Mr. Williamson, do prepare and bring in such Message.

L. H. J. Liber No. 50 April 21 Mr. Govane brings in and delivers to Mr. Speaker, an ingrossed Bill, entituled, An Aiding Supplementary Act to an Act, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of St. George's Parish, &c. which was Read and Assented to, and sent to the Upper House, with the Paper Bill thereof, by Mr. Govane and Mr. J. Hammond Dorsey.

Col. Tilghman hath Leave of Absence.

p. 90 The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Col. Cresap, Mr. Reynolds, Mr. Owings, Mr. Dulany, Mr. Fraser, Mr. Lecompte and Mr. Earle, have Leave of Absence.

The Bill, entituled, A further Supplementary Act to an Act, entituled, An Act for laying an Imposition on Negroes, and on Several Sorts of Liquors Imported and also on Irish Servants to prevent the Importing too great a Number of Irish Papists into the Province was Read the second Time and committeed for Amendments.

Col. Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise; which was Read the first Time and Ordered to lie on the Table.

Ordered, That Mr. Dorsey and Mr. Carroll be added to the Committee appointed for amending the Bill, entituled, A further Supplementary Act to an Act, entituled, An Act for laying an Imposition on Negroes, &c.

Mr. Bracco brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, or to utter or tender the same in Payment within this Province, knowing them to be such; which was Read the first Time, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 8 of the Clock.

April 22

Saturday, April 22, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Fraser, Mr. Oldham, Mr. Lowes, Mr. Lecompte, Mr. Dulany, and Col. Tilghman. The Proceedings were Read.

p. 91 Mr. Matthew Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act relating to Guardians and Orphans; which was Read the first Time, and Ordered to lie on the Table.

The Bill, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East

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or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, &c. was Read the second Time, and will pass; and was sent to the Upper House by Major Hynson and Mr. Tilden.

The Bill, entituled, An Act Repealing all the Laws heretofore made for the Killing of Crows and Squirrels, or having any Allowance for the same, so far as relates to Somerset, Calvert, Prince-George's, Cæcil, and Worcester Counties, was Read the second Time; and the Question was put, That the said Bill do pass. Resolved in the Negative.

For the Affirmative,

J. J. Mackall,
Reynolds,
E. Gantt,
Waggaman,
Wilson,
Hyland,
Earle,
Baker,
Ward,
Murdock,
T. Gantt,
King,
Lloyd,
Handy,
Chapline. 15

For the Negative,

Williamson,
Hynson,
Rasin,
Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
M. Tilghman,
Gray,
Sulivane,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Bracco,
Harris,
Beatty. 18

The House adjourns until Monday Morning at 9 of the Clock.

Monday, April 24, 1758. April 24

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Earle, Mr. Ward, and Mr. Rasin. The Proceedings were Read.

Mr. Dulany appeared in the House.

The House adjourns till 2 of the Clock. p. 92

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Reeder and Colonel Tilghman appeared in the House.

Mr. Bracco, from the Committee appointed to Examine the Books, Accounts and Proceedings of the Agents appointed by the several Acts of Assembly for his Majesty's Service, brings in and delivers to Mr. Speaker, the following Report, viz.

By the Committee appointed by the Honourable the Lower House of
Assembly, to Examine the Books, Accounts and Proceedings of
the Agents appointed by the several Acts of Assembly for
his Majesty's Service.

Your Committee having Examined the Books and Accounts of the said Agents, do find them Closed and Ballanced to the 14th Day of

L. H. J. Liber No. 50 April 24 February, and Proved as the Law directs, as appears by Certificates of such Proof under the Hand of Mr. Thomas Jennings, one of his Lordship's Justices of Anne-Arundel County, dated Annapolis, February 24th, 1758; and from the Entries made, and Accounts opened, in the said Books, it appears, that of the Sum of £495 6 s. 7 d. which, by the Report last September Session, is said to be remaining in the Agents Hands unexpended of the Sum of £12,650 taken out of the Office for Emitting Bills of Credit, by his Excellency the Governor's Orders, pursuant to the Directions of the Acts of Assembly for his Majesty's Service, in February and September Session, 1756, for supporting 200 Men till the 10th Day of February, 1757, and for Constructing one Fort, and any Number not exceeding 4 Block-Houses, on the Western Frontier of this Province, the Sum of £271 9 s. 4 d. has been expended on Fort Frederick. A Mistake of £70 also appears to have been made in casting up the Debit Side of the Fort Account in the Books first kept by the Agents aforesaid, which leaves now in the Hands of the said Agents unexpended, the Sum of £153 17 s. 3 d. as ꝑ following State of the Account will appear.

p. 93 The Public for Building a Fort, and Supporting 200 Men on the Western Frontier till 10th Feb. 1757.

Dr.

To Error in Debit Side of former Account,	70	0	0
To Carpenters for Work done at the Fort,	69	3	6
To Waggon Hire at Ditto,	68	9	9
To Masons Work at Ditto,	21	12	9
To Sawyers Work at Ditto,	11	0	0
To Nails for the Fort	40	5	4
To Labourers Wages at Ditto,	1	10	9
To Provisions for Workmen at Ditto,	47	16	3
To 1 empty Hogshead,	0	10	0
To Charges attending the Service,	11	16	0
To Ballance in Agents Hands unexpended,	153	17	3
	£496	1	7

Cr.

By Ballance in the Agents Hands ꝑ last Report,	495	6	7
By an over Charge per Contra,	0	15	0
	£496	1	7

That of the Sum of £2662.18. which, by said Report, appears to have been then in the Hands of the Agents for Purchasing Arms and Ammunition, there has been since expended the Sum of £1240.3.2. which leaves a Ballance unaccounted for of £1422.14.10. as ꝑ following Account, viz.[1]

The Public on the Grant for Purchasing Arms and Ammunition.

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Dr.

1757. Dec. 2. To Messrs. Freeman & Ostand for 500 Stand of Arms £728.17.9. Sterl. at 70 ꝑ Cent.	1239	2	2
To Patrick Creagh for Cartage of ditto	1	1	0
To Ballance unexpended, viz.^{t} In the Hands of John Buchanan £806.6.5. Sterl. at 70 ꝑ Cent.	1370	14	11
In the Hands of the Agents,	51	19	11
	£2662	18	0

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Cr.

By Ballance in the Agents Hands ꝑ Report,	£2662	18	0

That of the Ballance of £40 remaining in the Hands of the Agents, as Part of the Sum of £2000 granted for purchasing Wheat to be sent as a Present to the Army under Lord Loudoun, there is still unexpended the Sum of £24.16. the State of which Account is as follows.

The Public on the Grant for Purchasing Wheat to be sent as a Present to the Army.

Dr.

1757. Octob. 11. To Cash paid Mr. Ringgold Demurrage at New-York,	13	10	0
Dec. 20. To Ditto paid Ditto one Day's Demurrage at Ditto,	1	14	0
To Ballance in the Agents Hands,	24	16	0
	£40	0	0

Cr.

1757. Sept. 30. By Ballance in the Agents Hands ꝑ Report,	£40	0	0

That there remains in the Agents Hands of the Money granted for Recruiting his Majesty's Royal American Regiment, the Sum of £36.10. as ꝑ following Account.

The Public for Recruiting his Majesty's Royal American Regiment.

Dr.

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1757. Octob. 7. To Cash paid Sundries for Bounty-Money, as ꝑ the Governor's Orders	101	19	0
To Ditto paid Messrs. Maccubbin and Johnson, by Virtue of the Ordinance	200	0	0
To Ballance in the Agents Hands,	36	10	0
	£338	9	0

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Cr.

	£	s.	d.
1757. Sept. 30. By Ballance in the Agents Hands ꝑ Report,	£338	9	0

That the Sum of £496.12.10½. remains unexpended in the Agents Hands of the Money granted for Raising and Supporting Capt. Joshua Beall's Company, and for Continuing the Two old Companies on Foot from the 10th of February to the 10th of April, 1757, as ꝑ following Account.

The Public on the Grant for Raising and Supporting Capt. Joshua Beall's Company, and for Continuing the Two old Companies on Foot from the 10th February to the 10th of April, 1757.

Dr.

	£	s.	d.
1758. Jan. 27. To Bounty-Money paid 62 Men re-inlisted by Capt. Alexander Beall, at 22/6 ꝑ Man.	69	15	0
Feb. 14. To Ballance in the Agents Hands unexpended, after the Service was completed	496	12	10½
	£566	7	10½

Cr.

	£	s.	d.
1757. Sept. 30. By Ballance in the Agents Hands of the Money received on the above Grant, as ꝑ Report last Sept. Session,	566	7	10½
	£566	7	10½

p. 96 Your Committee also find, that the State of the Fund for bestowing Rewards on such Persons as shall take Indian Scalps or Prisoners, stands as follows, viz.[t] In the Hands of the Agents the Sum of £51.10. and in the Office for Emitting Bills of Credit, subject to his Excellency the Governor's Orders, pursuant to the Acts of Assembly for his Majesty's Service, &c. the Sum of £3670 as ꝑ following Account will appear.

The Public on the Fund for Rewards for Indian Scalps and Prisoners.

Dr.

		£	s.	d.
1757. Dec. 20. To Lieut. Thomas Riley for one Indian Scalp ꝑ Certificate,		50	0	0
To the Agents Commission 3 ꝑ Cent. thereon,		1	10	0
1758. Feb. 14. To Ballance, viz. Cash in the Agents Hands,	51 10			
Ditto in the Office for Emitting Bills of Credit, subject to his Excellency the Governor's Orders, pursuant to Act of Assembly	3670	3721	10	0
		£3773	0	0

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Cr.

	£	s.	d.
1757. Sept. 30. By Ballance in the Agents Hands ꝑ Report last Session,	103	0	0
By Money in the Office for Emitting Bills of Credit, subject to his Excellency the Governor's Orders for the Purpose abovementioned,	3670	0	0
	£3773	0	0

Your Committee beg Leave to inform the Honourable House, that a Certificate signed by Doctor George Steuart, one of his Lordship's Justices of the Provincial Court, certifying that an Indian Scalp had been brought in by Lieutenant Thomas Riley, mentioned in the above Account, and had been burnt in his Presence, was laid before them as a Voucher for the above Charge of £50 but as the said Riley does not appear, from the said Certificate, to have been the Person who killed the Indian the abovementioned Scalp was taken p. 97 from, and as nothing appeared to shew that the said Riley was entitled to the Bounty allowed by Law, they the Agents declined paying the Money until the Matter be further cleared up, and in Case that be not done, there will be the further Sum of £51.10. unapplied in the Agents Hands. But your Committee take Leave to give it as their Opinion, that no such Charge ought to be made, until Certificate agreeable to Law is produced by the Person claiming such Bounty. And in order at one View to shew the Honourable House the State and Condition of the Grants and Appropriations of Money by the Acts for his Majesty's Service, &c. made in February and September Sessions, 1756, and what Part thereof is still in the Hands of the Agents unapplied, or subject to the Disposition of the General Assembly, the following Account, composed of the Ballances arising on the Accounts of the said several Appropriations, is stated.

Messieurs Murdock, Dick, and Wolstenholme, on Acts of Assembly for his Majesty's Service, made in February and September Session, 1756.

Dr.

	£	s.	d.
To Ballance of Cash taken out of Paper Office for Constructing Fort Frederick, &c. as ꝑ last Report,	495	6	7
To Ditto for Recruiting Royal American Regiment, as ꝑ Ditto,	338	9	0
To Ditto for purchasing Arms and Ammunition, as ꝑ Ditto,	2662	18	0
To Ditto for purchasing Wheat, as ꝑ Ditto,	40	0	0
To Ditto for Raising one new Company, and Supporting that and 2 old Companies to 10th April, 1757, as ꝑ Ditto,	566	7	10½
To Ditto for Scalping Service, as ꝑ Ditto,	103	0	0
	£4206	1	5½

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Cr.

By Error in Debit of Fort Account ꝑ last Report, . .	70	0	0
By sundry Sums since expended as ꝑ Ditto, ...	271	9	4
By Ditto for Arms and Ammunition as ꝑ Ditto, . . .	1240	3	2
By Ditto on Account of Wheat purchased as ꝑ Ditto,	15	4	0
By Ditto for Recruiting the 300 Men for Royal Americans, ...	101	19	0
By Cash of that Fund applied by Virtue of an Order for Quartering Soldiers in Arms [Annapolis, in printed Journal]	200	0	0
By Ditto for 1 new and 2 old Companies, ...	69	15	0
By Ditto for 1 Scalp & Commission, ...	51	10	0
By Ballance in Agents Hands, ...	2186	0	11½
	£4206	1	5½

p. 98 The above Ballance, as will appear by the aforegoing Accounts, consists of £153.17.3. Part of the Sum granted for Constructing Fort Frederick. &c. most of which the Agents inform the Committee is expended, but the Accounts from the several Claimants are not yet come in; £1422.14.10. for the Purchase of Arms and Ammunition, whereof £1370.14.11. is exchanged for Bills, and now in the Hands of Mr. John Buchanan, of London, Merchant, for that Purpose; £24.16. the Ballance unexpended of the Money granted for purchasing Wheat, on which Account there are still some Claims from New-York to come in; £51.10. of the Scalping Money drawn out of the Paper Office for that Service; the Sum of £36.10. Surplus on the Fund for Recruiting his Majesty's Royal American Regiment, and the Sum of £496.12.10½. Surplus on the Grant for Raising and Supporting Capt. Joshua Beall's Company, and Continuing Two old Companies on Foot, to the 10th of April, 1757, which Two last Sums, amounting to £533.12.10½. except a Claim of about £25. which the Agents say is due to Capt. Alexander Beall, and the Estate of Capt. Tobias Stansbury, the Accounts whereof are not yet adjusted, is at the Disposal of the General Assembly. Your Committee having also examined the Accounts of the Disposal of the Money granted by the Act of Assembly for his Majesty's Service, made at a Session of Assembly held at Baltimore-Town in April, 1757, do find, that the Agents aforesaid, by Virtue of the same Act, have, since last Report, received from the Commissioners for Emitting Bills of Credit, by Virtue of an Order drawn by his Excellency the Governor for that Purpose, the Sum of £1881.19.8. which, together with the Sum of £579.15. the Ballance remaining in the Agents Hands, the Sum of £657.3.2. Bounty-Money in the Hands of several Recruiting Officers unaccounted for, as by Report last Session, and the Sum of £235.17.8. taken out of the Office as aforesaid, to pay sundry Persons who furnished Provisions for the

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Detachments of Volunteer Militia under the Command of Captain Joshua Beall and Tobias Stansbury, which ought to have been placed by the said Agents to Account of the Act of Assembly for his Majesty's Service, &c. in September Session, 1756, amount in the Whole to the Sum of £3354.15.6. of which Sum £3103.17.9. has been expended, as ꝑ following Account will appear, and the Sum of £250.17.9. remains in the Hands of the said Agents, to be applied as by the aforesaid Act is directed.

Messieurs Murdock, Dick, and Wolstenholme, to the Province of Maryland, on the Act for his Majesty's Service, &c. made in Baltimore Session, April 1757.

Dr.

1757. Sept. 20.th To Ballance as ꝑ last Report, viz.						
Cash in the Recruiting Officers Hands,.	657	3	2			
Ditto in the Agents Hands...........	579	15	0	1236	18	2
To Cash taken out of the Office, to pay the Persons who furnished Provisions for Beall and Stansbury's Volunteer Militia,....................				235	17	8
Octob. 31. To Ditto taken out by Virtue of his Excellency's Order, ...				1881	19	8
				£3354	15	6

Cr.

1757. By Cash paid sundry Persons who furnished Provisions for the Volunteer Militia under Beall and Stansbury, ...	235	17	8
By Ditto sundry petty Charges attending the Service, including Agents Commission on the Sums drawn out of the Office,.....................	312	19	9
By Ditto for Expresses,......................	9	16	6
By Ditto for the Hospital,....................	67	7	11
By Ditto for Cloathing the Troops,..............	23	0	6
By Ditto for Victualling Account,...............	715	7	9
By Ditto Bounty-Money,......................	330	0	0
By Ditto Pay of the Forces,...................	1409	7	8
By Ballance in the Agents Hands, applicable to the Services mentioned in the said Act,...........	250	17	9
	£3354	15	6

Your Committee have also proceeded to Examine the Muster p. 100
Rolls of the several Companies of Soldiers in the Pay of this Province, taken and returned for the Time between the 9th Day of September and 8th Day of October last, both Days inclusive; and of Capt. Dagworthy's Company for the Months of July and August

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last, and find, that on the said 8th Day of October there were Mustered at Fort-Frederick in Capt. Dagworthy's Company, the second Lieutenant, 1 Serjeant, 1 Corporal, 28 Private Men present at the Fort, the Captain, first Lieutenant, Surgeon, 3 Serjeants, 3 Corporals, 1 Drummer, and 38 Private Men, on Party, and 2 Private Men on Furlough. In Capt. Alexander Beall's Company, the Captain, first and second Lieutenants, the Ensign, 3 Serjeants, 3 Corporals, 1 Drummer, and 46 Private Men at the Fort; 1 Private Man in Prison; 1 Corporal and 11 Private Men on Party; 1 Serjeant and 6 Private Men Ranging. In Capt. Joshua Beall's Company, the Captain, second Lieutenant, Ensign, 1 Corporal, 1 Drummer, and 28 Private Men at the Fort; 2 Private Men in the Hospital; the first Lieutenant, 3 Serjeants, 3 Corporals, and 42 Private Men on Detachment; 1 Serjeant, and 6 Private Men on Party. In Capt. Francis Ware's Company, the Captain, first and second Lieutenants, the Ensign, 1 Serjeant, and 21 Private Men at the Fort; 2 Serjeants, 2 Corporals, and 39 Private Men on Detachment; 1 Corporal, and 13 Private Men on Party, and 4 Private Men Ranging. In Capt. Richard Pearis's Company, the first and second Lieutenants, 2 Serjeants, 1 Corporal, and 15 Private Men at the Fort; 1 Private Man Sick in the Hospital; the Captain, 2 Serjeants, 1 Corporal, the Drummer, and 29 Private Men on Detachment; 1 Private Man in Prison; 1 Corporal, and 28 Private Men on Party; 6 Private Men Ranging; and 1 Private Man on Furlough: The 5 Companies consisting in the whole, of 5 Captains, 10 Lieutenants, 5 Ensigns, 19 p. 101 Serjeants, 18 Corporals, 4 Drummers, and 374 Private Men, whereof 3 Captains, 8 Lieutenants, 4 Ensigns, 7 Serjeants, 6 Corporals, 2 Drummers, and 142 Private Men appear to have been then at Fort-Frederick; 1 Captain, 1 Lieutenant, 1 Ensign, 1 Surgeon, 4 Serjeants, 6 Corporals, 1 Drummer, and 102 Private Men on Party; 1 Captain, 1 Lieutenant, 7 Serjeants, 6 Corporals, 1 Drummer, and 110 Private Men on Detachment; 1 Serjeant, and 16 Private Men Ranging; and 2 Private Men on Furlough. Your Committee cannot avoid mentioning a Circumstance attending the Muster Rolls of Capt. Dagworthy's Company, which in their Opinion is somewhat extraordinary: The Rolls of that Company for the Months of July, August and September, are returned separately, and with different Circumstances, and also different Certificates indorsed on them; yet it appears by the Date of those Rolls, that the Musters were all taken at the same Time, viz. the 8th Day of October last; from which it is obvious, that there has been a Failure in point of Duty, either in the Commanding Officer in not Mustering the Troops, or in the Commissary of Musters in not attending when such Musters were taken, agreeable to the Directions of the Act of Assembly made at Baltimore-Town, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, whereby it is Enacted, "That the several Companies of the said 500 Men, or such Part of them as shall be at any Time raised, shall be Mustered Monthly, while they remain in the Province, and that the Commissary shall always Close the Muster Roll of each Company, upon the Place where, and the Day when, the Muster thereof shall be taken." L. H. J. Liber No. 50 April 24

Your Committee further observe, that of the 14 Recruits, which by the Report last Session are said not to be entered on any the preceding Muster Rolls, the following 8 Persons appear on the September Rolls, viz. John Day, John White, Samuel Powell, Thomas Pedworth, William Jennings, John Cole, James M^cNeil, and Robert Chilton; and the following 6 Persons, the Remainder of the said 14 Recruits, viz. John Carroll, Joseph Jones, George Laws, William Brown, William Lay, and Charles Dorsey, do not appear to have been entered on any Muster Roll submitted to the Examination of your Committee. p. 102

Your Committee also Report, that from the Entries in, and Certificates endorsed on, the said Muster Rolls, it appears (except in very few Instances) that the same Persons, who by the preceding Muster Rolls, are said to have gone on Party and Detachment in April, are by the several subsequent Rolls down to the 8th Day of October last, certified to be employed in the same Manner, without any Notice taken of their Return, or having been Relieved by Others; from which Circumstance, your Committee cannot help expressing it as their Opinion, that those Troops were not stationed at such Places, and Employed in such Services, as would contribute most to the Quiet and Safety of our Frontier Inhabitants, and that one Third Part of the said 500 Men, or so many of them as have been at any Time in Pay of this Province, have not been Employed in Ranging about the Frontier thereof for the Quiet and Protection of the Inhabitants; but at what Place or in what Service, those Troops said to be on Detachment and Party, were Stationed or Employed, does not appear from any of the Muster Rolls, or other Papers, laid before your Committee.

Your Committee beg leave to represent to the Honourable House, that in the Victualling Account, there is a Charge of 9 pence ꝑ Day Subsistence for 4 Women for each Company, which we humbly conceive is not Warranted by any Act of Assembly of this Province; but the like, or a larger Number, being, as we are informed, Allowed in his Majesty's Regular Forces, we are of Opinion the Charge is reasonable. And in the Hospital Account there is a Charge of £12.19. paid to Dr. David Ross for the Subsistence of 518 Days of sick Men, at 6 pence ꝑ Day, from the 9th September to the 8th of October last, over and above the Allowance of 9 pence ꝑ Day under the Contract for Victualling the Troops, which does not seem to be Warranted by any Regulation or Agreement laid before your Committee, p. 103

L. H. J. Liber No. 50 April 24 and which appears to them unreasonable; more especially, when they observe in the same Account, a Charge of £1.2.6 ℘ Month for Nurses Wages, which tho' not provided for by Law, seems Necessary, as the Sick in the Hospital must greatly suffer without some such Person.

Your Committee further Report, that the Accounts of the Labourers, Waggoners, and other Workmen at Fort-Frederick, instead of being Proved according to Law, have indorsed on them, a Certificate from the Commanding Officer there, that they are Just and True.

Your Committee also think it necessary to observe to the Honourable House, that the Books and Accounts of the Agents, now submitted to their Examination, appear to have been kept in a regular and distinct Manner.

All which is humbly submitted to the Consideration of the Honourable House.

John Bracco,
Michael Earle,
Samuel Wilson,
John Hammond Dorsey,
John Hanson,
Henry Greenfield Sothoron.

Which was Read, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 8 of the Clock.

April 25

Tuesday, April 25, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Sulivane hath Leave of Absence.

Daniel Dulany, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, &c. Indorsed, "By the Upper House of Assembly, the 22^d^ April, 1758, Read the first time and Ordered to lie on the Table signed ℘ Order J Ross Cl Up ho. and thus "By the Upper House of Assembly, 24th April, 1758. Read the second Time, and will Pass. p. 104

Signed ℘ Order, J. Ross, Cl. Up. Ho."

Which Bill was Read here, and Passed for Ingrossing.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

The House adjourns till the Morrow Morning at 8 of the Clock.

Wednesday, April 26, 1758.

L. H. J.
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April 26

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Sulivane. The Proceedings were Read.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Lecompte and Mr. Fraser appeared in the House.

Mr. Lloyd brings in and delivers to Mr. Speaker, the following Message, viz.[1]

By the Lower House of Assembly, April 27, 1758.

May it please your Honours,

As we have always been desirous of promoting his Majesty's Service to the utmost of our Abilities, we could not but observe with Concern, Three Bills prepared by us, granting very considerable Aids for that Purpose, at three succeeding Meetings, defeated by your Honours positive Negative to each of them, and therefore we thought it our Duty in this peculiar Circumstance, by our Message of the 12th Instant, however we might deviate from strict Rules, to enquire into the Cause, and to request you would point out your Objections to those Bills: In Answer to this, your Honours, by your Message of the 18th, tell us, that our Concern, expressed in that Message, was unexpected by you, considering the late Resolves of the Lower House, "That you had no Right but to Pass or Reject Money-Bills, that you had not indeed been convinced, that our Privileges could be extended, or your Rights abridged, by such Resolves; but that you chose to avoid Disputes on the Subject of Privileges." p. 105

We do not recollect any Resolves of this House in the Words you mention; but whatever they may be, your Honours must know, they are made not to extend, but to confirm our own Rights and Privileges, not to abridge the Rights of the other Branches of the Legislature, but to prevent any Attempts in them by the Destruction of ours to enlarge their own. We shall, however, avoid entering into Disputes on this Subject, since your Honours have been so extremely scrupulous in this Respect with Regard to those Money-Bills, that you have carefully avoided every Mode of Proceeding, which you have in any other Instance of the like Kind lately pursued, and which (saving our Rights) we have, out of an earnest Desire to promote to the utmost his Majesty's Service, come into. What has induced your Honours, on those Occasions, to depart from them, we shall not take upon us to say, nor would we willingly ascribe to any other than the Motive you would seem to intimate, the Fear of alarming us in respect of our Privileges, giving up your own Rights, or subjecting yourselves to the Animadversion of having deviated from the strict Rules of Intercourse between the Two Houses; but we cannot help remarking that this extreme and unusual

L. H. J. Liber No. 50 April 26 Caution should prevail, at a Time when your Honours allow, that Forms sought not to be so religiously observed as to defeat the Duty we owe to our King and Country, which demands, at so critical a Juncture, a full Exertion of all our Powers.

And we must observe it is a little extraordinary, that your Honours should now express your Wishes, that the Proposition made in our Message of the 12th, had come sooner, that you might have been sooner able to communicate your Sentiments, since by proceeding in the same Manner you did in the most important Case of this Sort which has before happened, you might long ago have communicated them, and you had sufficient Reason from what was then done, to be satisfied we should have shewn the utmost Readiness to do every Thing we could, consistently with our Rights and Privileges, to p. 106 have procured a Passage to either of the former Bills, or the Bill now under Consideration.

The Corrections made by us in this Bill, after we had received it with a Negative from you, and which are mentioned in our Message of the 12th, are so very trifling, that we shall not dispute whether it might be consistent with Parliamentary Modes of Proceeding, or not, to make them.

We shall now proceed to consider, and endeavour to obviate, the several Objections to the Bill, which you have been pleased to point out in your Message of the 18th.

As to the first against the Preamble, because it asserts, that only the Delegates give and grant, your Honours certainly must be satisfied, when we remind you, that it is exactly conformable to the Sale of the Land Tax Acts in England, and for that Reason we think unexceptionable.

Your Objection to our assuming (as you are pleased to call it) the sole Nomination of the Officers mentioned in the Bill, we presume is against our Rights of nominating Commissioners for executing that Part of the Bill relating to an Assessment on real and personal Estates, &c. In Support of this Right, we need only mention, that it is a Right indisputable in the House of Commons at Home: This your Honours must know, if you have ever look'd into the Land Tax Acts, where, in many of them may be found, the Names at large of all the Commissioners for the several Counties and Places in England; in others an Appointment (without naming them) of the Commissioners named in some preceding Act: The same Rights we find exercised by the Commons in the Nomination of Commissioners in Bills for examining and stating Public Accounts.

What Argument then can be drawn from his Lordship's Charter? Will it be contended that the King has granted by that Charter a Power which the Crown does not exercise, or even attempt to exercise? Surely it will not. His Lordship's Power by the Charter to

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appoint Officers, cannot be greater than that from whence it is derived, and never could be intended to extend to Officers of the Kind (if you will call them Officers) nominated in the Bill. As the House of Commons exercises that Power, does it not reasonably follow that the Right here is in this House?

To this Part of the Bill, then, your Honours may be assured we shall unalterably adhere, not assuming to ourselves a new Power in the Nomination of Commissioners, but exercising that Power as one of our just and constitutional Rights; we shall not therefore suffer the Estates of the People to be taxed by Officers deriving their Power from the sole Appointment of the Lord Baltimore: Gentlemen are nominated Commissioners in the Bill, against whom no reasonable Objection can lay, and who can look with Contempt upon Insinuations, that their being any Way accountable to us for their Conduct, would have any undue Influence over their Actions.

Your Honours, after enumerating every particular Duty to be performed under this Act by the Commissioners or Trustees of the Paper Office, for which they are each of them to receive the Sum of Ten Pounds and no more, conclude, "These are the Services required from them, and this the Reward given by this Bill to those Officers, who have been appointed by the Government." Is this fair and candid? Permit us to say, and to shew, that it is not. These Commissioners, under the first Paper Currency Law, receive an annual Salary of Eighty Pounds, for which very few Services remain at this Time to be done, and those are chiefly performed by their Clerk, who by the same Act has a Salary of Eighty Pounds ꝑ Annum. By the £40,000 Act, these Commissioners have, during the Continuance of it, Ten Pounds ꝑ Annum added to the above Salary, and very few Duties are prescribed, but such as may be, and are done, by their Clerk, who also by the same Act has an additional Salary of Ten Pounds ꝑ Year. In Consideration then of their Salary of Ninety Pounds ꝑ Year, the present Bill adds to the few Services they have to perform under the former Laws, the several Duties mentioned in your Honour's Message; all which, except that of superintending the Printer, and of signing the Bills (for the Numbering and Dating is done by the Clerk) and attending their Office two Days in the Week (which they ought long ago to have been obliged to) will very little increase the Trouble of the Office.

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In this View, we are persuaded, every one must see those Commissioners are not unjustly burthened by the said Bill, and we are afraid it will appear but too plain, from this trifling Objection, spun out to so great a length, that your Honours are more Solicitous to give ill Impressions of the Bill, than by a candid and dispassionate procedure, to endeavour to perfect it in those Parts which you may really be of Opinion are defective. The Office of the Agents, by the

L. H. J. Liber No. 50 April 26 Bill, is a Business distinct from any other, and must be attended with considerable Trouble and Expence: They have no standing Salary, nor any Clerk appointed that has one; they must necessarily employ a Clerk, and must pay him a considerable Sum of Money for his Trouble: This is sufficient, without enumerating all the Duties of their Office, to distinguish it from that of the Commissioners of the Loan Office, and to shew it was reasonable to give them a full Reward by the Bill.

We cannot devise any better or easier Way of coming at the Knowledge of the Quantum of his Lordship's Manors, and Reserved Lands, than that prescribed by the Bill; however, if the Words, according to the best Information he has, are thought too vague and undeterminate, if better can be pointed out, which may answer the End proposed, we shall readily consent to change them.

We did not look upon the Services required of the Agent by the Bill, to be so considerable, as that he would ask a Reward for them; however as they may possibly be attended with more Difficulty than we imagined, we are not against inserting in the Bill such a Sum as may be thought a reasonable Reward for his Labour. The Service required from the Receiver of the Quit-Rents is only to make out, and deliver to the Commissioners, fair Accounts from his Debt Book, of the Names and Quantities of Acres of every Tract or Parcel p. 109 of Land within their Counties, and to whom the same belongs or ought to be charged, making a separate Account for each Hundred, as nearly as he can judge; for this the Reward of Forty Shillings, we think (tho' it may not be exactly equal) upon the whole is quite sufficient, and it is scarcely worth while to particularize by the Bill, what each County Receiver shall have. The Duty of the Commissioners of the Land-Tax is new, and quite independent of any other, and as the Execution of the Trust will probably, in the first Instance, be attended with some Difficulty, we are persuaded your Honours, upon this Consideration, will not think 8 s. ꝑ Day too much for their Trouble.

The Office of Sheriff (who by the Bill is appointed to be Collector) will be sufficiently Lucrative by the several Branches of Business annexed to it, and being obliged by his present Office to account with almost every Person in his County, from whom the proposed Tax is to be collected, he can certainly execute this Office with much less Trouble and Expence than any other Person: Upon this Principle, we presume, the Office of Collectors of the Quit-Rents was annexed to that of Sheriff, and the Salary lowered from Twenty to Ten ꝑ Cent. and since, for this Reason, the Proprietor has thought fit to lessen the Salary of the Collectors of the Quit-Rents, we hope it will not be objected to, if, for the same Reason, we have given, in the present Instance, a less Salary than the Sheriff usually has on his Collections: We think it reasonable in both Cases.

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The giving a Power to the Commissioners of the Loan-Office to put the Collectors Bonds in Suit, immediately on Failure in Payment of the Duties, is not without Precedent; 'tis done by the £40,000 Act. The Backwardness of the Collectors of the Public Monies, in paying them into the Loan-Office, for many Years past, made it then necessary, and we are sorry to observe, the same Backwardness, even to this Time, makes it more so now. Public Applications to the Supreme Magistrate, for this Purpose, are attended with unavoidable Delay: The Lodging such a Power ought therefore not to be looked p. 110 upon as Derogatory to his Right, but as a prudent Precaution, and necessary to compel the speedy Payment of the Public Monies into the Loan-Office, at this Time more particularly needful, as the Credit of our Paper Currency so greatly depends upon it's being speedily brought in and sunk.

When the Treasure of the People is drawn from their Pockets, to sink in those of the Collectors, it is particularly Grievous, as they must be again Taxed to make good Deficiencies in our public Funds, occasioned by the Collectors converting the public Money to their own private Use, which renders the People still less able to answer the public Demands.

We did not apprehend, that the Provision made in the Bill to discharge the Claims of such Persons as have been burthened with very considerable Expences, in providing Necessaries for his Majesty's Troops in their Winter Quarters, could have been liable to the least Objection; especially as we have been so far from assuming any new Power, that, on the contrary, we have made the constant and uninterrupted Usage of this Province, the sole Rule of our Conduct upon this Occasion: And your Honours will probably acquit us of the heavy Charge of assuming Powers unprecedented, and of endeavouring to abridge your just Rights, when you may be pleased to recollect, that Claims of every Denomination against the Public, are laid before, considered and adjusted by, the Lower House of Assembly only, and that upon their Determination such Claims are rejected, or entered upon the Journal of Accounts, which must have the Sanction and Aid of an Act of the Legislature, before the public Creditors can be paid their respective Allowances, and we conceive the Clause objected to, goes no farther, as it only applies a Sum not exceeding Two Thousand Five Hundred Pounds, out of the £45,000 granted by the Bill, to the discharging the Claims of such Persons as have been burthened with the Expence of Quartering, which shall be laid before and allowed by the Lower House of Assembly of this p. 111 Province; and as no Authority is vested in any Persons to make a Distribution of the Money thus applied, the Sanction and Aid of an Act of the Legislature must likewise be had in this Instance, before the Claimants can be paid their respective Allowances. A Bill for this

L. H. J. Liber No. 50 April 26 Purpose was always intended by us to be sent up to your Honours, as soon as the Bill for granting the Money should be passed by you.

Your Objections against the Exemption of Persons to be Assessors, because others ought to be included, we think has little Weight, as there is very little Probability of the Persons named by your Honours being appointed; however most of the Exemptions you enumerate, we shall readily agree to; tho' we cannot well understand what you mean by the Words, "and other Persons under the like Circumstances.

The double Tax, so far as it respects Papists (who seem to be the Non-Jurors that are the principal Objects of your Regard) is by the Bill to be avoided by the same Qualification that is required by the Act passed in 1756, for granting Forty Thousand Pounds for his Majesty's Service. As the Tax was not then objected to by any Branch of the Legislature, and as we have not been apprized of any Objection from any other Quarter, we did not apprehend an Imposition of a similar Nature would be opposed by your Honours, especially at this dangerous Crisis, when a Foreign Popish Power is exerting it's utmost Efforts to subjugate the British Colonies in North-America to Popery and Slavery. However, as you have been pleased to say, you cannot, in Conscience, Justice, or good Policy, agree to the Tax, as you think such a Measure must effectually Banish them (the Papists we presume you mean) we have determined in this Instance, rather to wave our undoubted Rights on this very interesting Occasion, than to lose a Bill of so much Importance to his Majesty's Service and our own immediate Security; and do therefore propose, that Non-Jurors, to avoid the double Tax, be only obliged to take the Oaths prescribed by the Land Tax Bills in England. This Test of their Loyalty surely cannot be thought unreasonable, and their Refusal to give it will be such a glaring Proof of p. 112 Disaffection to our present happy Establishment, as ought to meet with a public Discouragement. As this Tax is constantly imposed in our Mother Country, if your Honours should, notwithstanding the Concession that has been made on our Part, still refuse to consent to it here, the Loss of this necessary Bill must lie at your Door; for it is our determined Resolution to adhere to the Regulation now proposed, as it is thought by our Constituents, as well as Ourselves, one necessary Means to secure domestic Peace and Tranquility.

We shall take another Opportunity to answer what your Honours have said of the Papists being drove from their Native Country by the Severity of it's Laws, &c. and as we have never discovered any Thing in History or otherwise, that will Justify, or even Countenance, your Assertion, that the Papists were promised and allowed an Asylum here, we should be glad to have it explained to us, that a Matter which has occasioned so much Altercation, may be fully discussed and settled.

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The Estate of the Debtor, resident in this Province, is by the Bill to be rated to the full Amount, without any Deduction for what may be due from him; which, in our Apprehension, would be Oppressive, if he were not allowed Liberty of Retaining the Tax apportioned to the Debt his Estate was encumbered with, as it would be laying an Imposition on him for that Property, which he held in Appearance only, and which, in Reality, belonged to another. The Mode is agreeable to the Act for granting a Subsidy to his Majesty in the 22d and 23d Car. 2d. and tho' the Non-Resident may have no Connexions in this Province, but in Respect of Debts, yet those Debts, by any Attempts or Success of the Enemy, will be rendered equally precarious with those due to the Inhabitants; and in Justice they should be equally assessed for their Defence and Security. It may, however, be provided in the Bill, that any Tax imposed on such Debts, and paid by Virtue of this Act, may be Refunded by the Public, upon proper Certificates being produced, that a Tax had been paid for p. 113 them in the Mother Country, or any of the Colonies. The Goods, Wares, and Merchandizes, belonging to Non-Residents, or the Inhabitants of this Province, are also exposed to similar Dangers, and they should be burthened with the same Imposition for their Preservation; but the Non-Resident may, on producing a Certificate as above, be entitled to the same Repayment; and as the Imposition of the Tax will not, in our Apprehension, in the least diminish the Importation of the Commodities of the Mother Country into this Province, or interfere with her Trade, we hope we shall not be liable to the Imputation of acting in a Manner either inconsistent with her Interest, or with the Intent and Spirit of our Charter. The Imposing a Tax on the Gains of Mechanics by their Occupations, in this Infant Colony, must, in our Opinion, be extremely Impolitic, as it would Discourage so useful a Set of Men, and who are much wanted, from coming into it; but the same Reason does not subsist with us for exempting those Officers from the Tax, whose annual Incomes or Salaries do not exceed £100 nor shall we recede from the Tax on the Officers or Clergy, as we are justified in it by the Example of our Mother Country, in the Acts for Imposing a Land Tax. The Tax on the Incomes of Lawyers and Physicians from their Professions, in Consideration that they depend entirely on their Study, Application and Industry, stands in the Bill at one Third less than that on Offices, Benefices and Employments, which we think to be the full reasonable Abatement. Tho' the Assessors are to rate Lands in Proportion to the Sum the Fee Simple would sell for, they will, we presume, be guided in their Estimation, by the annual Value or Profit that the Lands produce, or might, in their Judgment, produce, if Cultivated; and we believe, that in general, Tenants in Dower, and by the Curtesy, and other Tenants and Annuitants for Life, reap as great annual Profit from their Lands they so hold,

L. H. J. Liber No. 50 April 26 as Tenants of Land in Fee Simple. We apprehend that if it be attended with any Inequality, it will be in very few Instances, which, as they appear, may be remedied hereafter.

p. 114 Uncultivated Lands, 'tis true, yield no present annual Profit, but they are generally reserved in that State by the Owners from a Prospect of reaping considerable Advantages thereby hereafter; and as they are of Value, we suppose the Owners would regret the Loss of them, and should consequently be Taxed for their Security. But to prevent the Burthens falling on any Part of the Owners Estate, by the Payment of a Tax for such Lands, they may be sold, and the Money put out to Interest, which would yield Five ℘ Cent. at least.

The Tenant's Power to Retain, we think, is plainly enough expressed, and adequate to the End of giving it; and tho' some Inconveniencies may arise from it, we apprehend, they will be but rare, and we don't think it would be proper, at this Time, to go into an Alteration of the Bill on that Head; if found to be a considerable Evil, it may be remedied hereafter; or if we can be made sensible, that the Clause is any way deficient for the Purposes intended by it, we would readily agree to amend it. The Oath appointed to be taken by the Clerk of the Loan-Office is so nearly in Substance and Words the same with that in the £40,000 Act, that we cannot think it needs any Alteration: Had you mentioned wherein you thought it materially varied, we should probably have agreed with you in amending it. The former Bonds of Officers have been heretofore made liable where a new Duty has been imposed on, and a new Trust reposed in them, of a Nature similar to the old, and not to be attended with any very considerable additional Labour, on a Presumption, as we suppose, that their Securities would have no Apprehension in such Cases of being made liable for a Breach. The Power given the Assessors by our Bill, so nearly resembles that given to the Assessors by the Land Tax Bills at Home, that we cannot be apprehensive of any Inconvenience flowing from it, as we have no Reason to p. 115 doubt the Execution of it with equal Justice and Impartiality; and we presume the Experience of our Mother Country will justify our not admitting any Alteration in it.

If ready Money lays at Hazard, it should be put some Way into Circulation, and then it will be of the Use Money was intended for. If there be Quantities of Plate so hidden from the World by any Person, that even his Domestics are unacquainted with it, it is become an useless Treasure; and it is Time it should some way be rendered useful to the Community, tho' the Owner may not choose to use it himself. There is little room to apprehend Rapine by the Discovery of our ready Money and Plate, by Means of this Bill; and we should consider, that through Fear of parting with a little, we may permit our Enemies to seize the whole of our Property.

L. H. J. Liber No. 50 April 26

There is nothing appears more reasonable to us, than the Tax on that Part of the Proprietor's Revenue which arises from his Quit-Rents, and it is by no Means the less just, because it has not been before attempted in this Province, or established in any other Colony: If it is just and right in itself, it ought to be done, whether the Governor is at large, or is restricted; but we shall never presume, that our Lord Proprietary would give any Instructions for preventing a Tax on his Estate here, so as to obstruct Grants for his Majesty's Service, and the Security of his own Estate, as well as ours; but, on the contrary, would, on all such Occasions, freely contribute equally with his Tenants, towards the Protection of his own and their Property, and to the Support of the Common Cause against his Majesty's Enemies.

We have understood that it is the general, nay, almost the universal Opinion of the neighbouring Colony, that the Proprietary Estate ought to be Taxed, and whatever Situation the Disputes on this Head may be in at Home, if they are carried thither, we know, that by a late Bill there, which we have Reason to believe will at length be passed, the Proprietary Estate is Taxed. The Quit-Rent, together with the Caution or Purchase-Money, was no doubt originally thought to be a Render proportionate to the Value of the Land: And it is sufficiently oppressive, that after our Ancestors were enticed by moderate Terms of taking up Lands, to transport Themselves, Families and Fortunes hither, their Children should have new Terms imposed upon them, both as to the Purchase-Money and Quit-Rent. p. 116

As it is not expressed in our Grants, that we should undertake the Burthen of Defending Ourselves, we cannot see how it can arise from the Nature of them, or be a Consideration in them: And if the undertaking the sole Burthen to defend, not only our own, but the Proprietary's Property, was a Consideration in our original Grants, why did the Proprietor alter the Condition of Taking up Lands from Two Shillings ℘ Hundred Acres to Four Shillings, and, from That to Ten Shillings? And why, the Purchase Money from Forty Shillings to Five Pounds ℘ Hundred Acres? While in his Majesty's Colony of Virginia, the Terms, we are informed, have always remained the Same: But admitting that in all Cases of Self-Defence, the People alone should bear the Expence, and that the Proprietor should not be any way Burthened, should he, for that Reason, be exempt from Contributing with the rest of the King's Subjects, in a Grant of a Sum of Money to be applied chiefly for his Majesty's Service in the Common Cause of Liberty? We hope not. The Laws which you mention being long since Repealed, we shall not at present take any Notice of them.

We cannot entertain the least Suspicion, should the Passage of this Bill not be obstructed by a Disagreement here, the Proprietor would be Advised (had he Power) to Dissent to a Bill for Granting so

L. H. J. Liber No. 50 April 26 large a Supply for his Majesty's Service, purely to save himself a small private Interest; and especially as it would greatly injure Individuals and wound the Public Credit. If Agreements should be made p. 117 in order to evade the Force of the Law, they ought to be liable to be broke by the Power given by the Law: The Debtor is Taxed for Effects which ultimately, in most Cases, must be the Creditors, and we think it reasonable, that as the Debtor pays a Tax proportionate to the Value, for the Security of them, he should be refunded what he so pays; were those Effects in the Hands of the Creditors, they would pay the same Tax: And if any Agreements should be made, in order to evade the Force of the Law, in this particular they ought to be liable to be broke by a Power given by the Law. Had we in our present unhappy Condition Taxed Debts in the Hands of the Creditor, as is done in our Mother Country at this Time, it must have exposed the Circumstances of Individuals in too open a Manner, and therefore we chose this Method.

The Direction of the Bill with respect to the Return of Muster-Rolls, is clearly confined to the Frontier Forces; therefore the Inconveniencies pointed out by your Honours, on a contrary Supposition, cannot happen. As to the Payment of the Troops upon the Expedition, we presume the Agents can easily comply with that Duty; and therefore we think it unnecessary to appoint a Pay-Master.

The Officers who may not have it in his Power to comply strictly with the Directions of the Bill, in Paying the Soldiers to a Day, what he may have received for their Use, by reason of their being absent on some particular unavoidable Service or Duty not mentioned in the Bill, cannot surely incur any Penalty; let him comply punctually when he has it in his Power, and doubtless he will be safe.

The Clause directing Informations to be filed in the Provincial Court, against Officers for Breach of Duty under the Bill, seems more general by the enacting Part than was intended: This appears from the introductory Part of that Clause, which mentions only the Cases of making and presenting false Muster-Rolls and Certificates; this Regulation we observe in New-England, where we presume the good Effect of it has been experienced; and as it cannot affect the Men to be raised for the General Service, after they are without this Province, and was designed chiefly for those in our Frontier Service, we presume when duly restricted to the Cases above, it may be useful, and will not obstruct the Service, especially as no Process can go from the Provincial Court, on any Complaint, until Leave is obtained p. 118 from the Governor or Commander in Chief of this Province.

If the Campaign should continue beyond the last of September, the Assembly, which no doubt will set by that Time, will provide for the Payment of the Troops till the End of the Campaign: And the surplus of the Money proposed to be raised, may then be applied to that Purpose if thought proper. Ten Pounds ℘ Man we are of

L. H. J.
Liber No. 50
April 26

Opinion will be a sufficient Reward to the Recruiting Officers, as they will get great Numbers of Men, it is to be hoped, for a much less Sum; tho' they may perhaps be obliged to go beyond it for some; however if any thing is doubtfully expressed in the Clause relating to the Recruiting Officers, we will readily agree to make it Clear. We are of Opinion, that the providing for Field Officers would be attended with very great Expence, and should not Gentlemen who may be appointed to those superior Posts, be continued in the same Command after the Expedition is over, it might be the Ruin of some, who might advance their whole Fortunes, in hopes of being continued in Ranks which it would be too heavy a Burthen to the Country to continue them in. We must be of Opinion, that those 200 Men, who by the Bill are directed to be Drafted out of those taken into the Pay of the Province, &c. and stationed at Fort-Frederick, to Act as Rangers, should be good, Men, and therefore we ordered them to be first chose out; and we cannot presume, they are intended not to be in actual Service, on the contrary, they certainly ought to be constantly Active and Vigilant in order to protect the Frontier Inhabitants against the Incursions and Depredations of their Savage Enemies.

The Pay of the Captains who may go on the Expedition, we agree shall not be reduced below 12s. 6 ℔ Day.

The Provision made for such as might be Maimed or receive Hurt in the Service, is the same as has been made in other Bills, and as we hope unnecessary Obstructions to the Passage of our Journals, will not hereafter be thrown in, this Provision will not be attended with the Inconveniencies you mention: This kind of Provision we find in a neighbouring Colony. When the Military forcibly obstructs the Exertion of the Civil Power, the Punishment ought to be severe, p. 119 and we are apprehensive, that a Penalty of £30 on a common Soldier for obstructing the Service of a Summons, is rather under, than over, an adequate one; if the Penalty was small the Offender might buy off the Evidence. The Governor as Chancellor and Surveyor-General, is considered in the same Light as any other Officer under the Government, and in respect of his Personal Estate, as a Private Person, and therefore there cannot be the same Reason for exempting him in these Respects as for exempting him in Respect of his holding the Supreme Executive Power in this Government; and we hope your Honours will never presume, that the Governor will obstruct the Execution of any Law, or refuse to pay a Tax, imposed with equal Reason on Himself as on Others.

The Uncertainty of our Capital was the Reason of Continuing the Bill the Third Year, which possibly may not be sufficient; but that will soon appear; and there cannot be the least Doubt but a Provision will be made by a longer Continuance of the Act if it be found necessary. It does by no Means appear to us, that the Mode for raising

L. H. J. Liber No. 50 April 26 Money prescribed by this Bill, is unsuitable to our Circumstances; on the contrary, we think it must be agreeable to the Circumstances of every Country, that Public Taxes should be equally imposed, and tho' the present Mode is unexperienced, and 'til this Time unessayed by us, it has been long experienced, and is still practised by our Mother Country, and by almost all our Neighbouring Colonies, and on that account has a just Title to our Regard: It imposes that Burthen which the present Exigency of Affairs requires us to bear (and which, tho' far beyond what this Province has ever yet felt, we chearfully submit to) more equally and justly than any other Mode can; and as the Sums to be raised annually are very large, 'tis the more necessary that the Tax should be imposed with the greatest Equality.

That this Mode will necessarily require many Officers, is certainly True; and that these Officers ought to be equally Rewarded in Proportion to the Merit of their Services, cannot be denied, and we think this is done by the Bill, and tho' the Expence attending this kind of Taxation, may be something greater than a Tax per the Poll, yet, by means of the Equality with which the Tax is laid, it will, even with that additional Expence, be less Felt, unless by those, who under a Tax by the Poll, would bear a very small Part of the Burthen, which, in all Justice and Reason, they ought to bear an equal Part of with others.

Whatever Regard is had to the Origin of our Constitution (if by p. 120 That is meant the Charter) or the correspondent Usage of the Province, we cannot be of Opinion, the Proprietary ought to appoint the Officers under this Bill, unless it can be shewn, that the King, under the like Circumstances, has the Right of Appointment; and, that when the House of Commons have named Commissioners in Bills of this Kind, the King has usually objected to it as an Encroachment on his Prerogative, and the Nomination has been accordingly left to him; when this is done, we may be induced to think the Proprietary has some Right.

We are not desirous, nor do we design, to create any Dependencies upon the Government under the Bill; nor shall we expect your Honours to concur in an Attempt to strip the Lord Baltimore of his Right, because it is far from our Intentions to make such an Attempt: In the present Case he has not the Right, and therefore cannot be stript of it. But we must desire your Honours to be assured, that if upon the other Hand, it should be endeavoured to deprive the People of their undoubted Right, by their Representatives, to nominate Commissioners in Bills of this Nature, and vest it in the Proprietary, the Attempt will prove as fruitless, as it would be unjust and unreasonable, and could tend only to defeat the necessary Purposes for which the Bill is framed.

L. H. J.
Liber No. 50
April 26

It is of the greatest Importance, that the just and distinct Rights and Privileges of each Branch of the Legislature, should be preserved, and therefore, as the Nomination of Commissioners in Bills of this Nature is a Right as clear and undoubted as any that belongs to this Branch, your Honours may be assured, that we shall not depart from it, but shall think it our Duty forever to assert and support it.

Having now frankly given you our Reasons in Support of our Bill, against your Objections to it, and made such Concessions as appear any way proper, we hope every Mode of Proceeding, which has been made use of between the Two Houses upon similar Occasions, will be pursued on this, for bringing about the Passage of a Bill of so great Importance; and we do assure you, that nothing on our Parts shall be wanting, which can be done without too great a Violation of our Rights and Privileges. But we think proper to let p. 121 you know, that the Nomination of Commissioners by the Bill, the double Tax upon Non-Jurors, who may shew themselves to be disloyal Subjects in refusing to take the Oaths we have now proposed, the Tax upon the Proprietary Estate, and that upon Lucrative Offices and Employments, as imposed by the Bill, we cannot recede from. The military Parts of the Bill objected to, as well as some others, may probably be amended to your Satisfaction, if you do not think the Reasons we have given you, sufficient to obviate your Objections.

Signed ꝑ Order, M. Macnemara, Cl. Lo. Ho.

Which was Read, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning at 8 of the Clock.

Thursday, April 27, 1758. April 27

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Earle appeared in the House.

On Reading the second Time the Message brought in Yester Evening by Mr. Lloyd, the Question was put, That the Words the Tax upon Uncultivated Lands, as imposed by the Bill be inserted in the last Clause of the Message. Resolved in the Negative.

For the Affirmative,

Williamson,
Tilden,
E. Gantt,
Waggaman,
Wilson,
Handy,
Harris.
[7]

For the Negative,

Reeder,
Hynson,
Hammond,
Lecompte,
Govane,
J. H. Dorsey,
Murdock,
T. Gantt,
King,

L. H. J. Liber No. 50 April 27

Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Reynolds,
M. Tilghman,
Gray,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Dulany,
Woodward,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
Beatty.
[28]

The House adjourns till 2 of the Clock.

p. 122 Post-Meridiem. The House met according to Adjournment, &c.

Mr. Oldham and Mr. Hanson appeared in the House.

The Bill, entituled, An Act relating to Guardians and Orphans, was Read the second Time, and will pass; and was sent to the Upper House by Mr. Matthew Tilghman and Mr. Reynolds.

On Motion, Ordered, That Mr. Lloyd, Mr. Wilson, and Mr. Edward Dorsey, be a Committee to enquire what Laws will Expire with the Close of this Session, if not Revived by Acts for such Purpose; and that they make Report thereof to the House.

An Ingrossed Bill, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, &c. was Read and Assented to, and sent to the Upper House, with the Paper Bill thereof, by Mr. James John Mackall and Mr. Lecompte.

On Reading the second Time the Bill, entituled, An Act for Trial of all Matters of Fact in the several Counties where they have arisen or shall arise, the Question was put, That the Allowances of the Justices of Assize be Reduced from 7000 lbs. of Tobacco each, for every Circuit. Resolved in the Negative.

For the Affirmative,

Hammond,
Gassaway,
Carroll,
Worthington,
Lecompte,
Govane,
Cockey Deye,
Owings,
Dulany,
Woodward,
Murdock,
T. Gantt,
Handy,
E. Dorsey.
[14]

For the Negative,

Reeder,
Williamson,
Hynson,
Tilden,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Waggaman,
Wilson,
M. Tilghman,
Gray,
J. H. Dorsey,
Hyland,
Earle,
Baker,
King,
Lloyd,
E. Tilghman,
Bracco,
Harris,
Chapline,
Beatty.
[23]

The Bill, entituled, An Act for Trial of all Matters of Fact in the several Counties where they have arisen or shall arise, was Read the second Time, and will pass; and was sent to the Upper House by Mr. Lloyd and Mr. Hanson. L. H. J. Liber No. 50 April 27 p. 123

The House adjourns till the Morrow Morning at 8 of the Clock.

Friday, April 28, 1758. April 28

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. King, Mr. Gray, and Mr. John Hammond Dorsey, have Leave of Absence.

On Motion, Ordered, That Mr. Lloyd, Mr. Murdock, and Mr. Hynson, be a Committee to Examine the Account of the Serjeant at Arms, for Fees and Charges accrued on Summonses issued by Order of the House, for absent Members to attend the Public Business; and that they do make Report thereof to the House.

The Message brought in by Mr. Lloyd on the 26th, being transcribed, was sent to the Upper House, with the Bill, entituled, An Act for Granting a Supply of £45,000 &c. by Colonel Tilghman and Mr. Edward Dorsey.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act relating to Guardians and Orphans; Indorsed, " By the Upper House of Assembly, 27th April 1758. Read the first time and ordered to lie on the table and thus By the Upper house of Assembly 28th April, 1758. Read the second Time, and will Pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

Which Bill was Read here, and Passed for Ingrossing.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

On Consideration of the Report brought in by the Committee appointed to Tax the Fees and Allowances to the Officers of this House, and several other Persons attending as Evidences, on the disputed Elections of the City of Annapolis, St. Mary's County, Kent County, and Baltimore County;

Ordered, That the Returning Officers of the City of Annapolis do pay the Costs and Charges which accrued and that the then sitting Member do pay his own costs on the Petition of Henry Woodward, p. 124 against the undue Election for the said City, all the costs and charges which accrued on the Petitioner's Part; and that Doctor George Steuart, the then Sitting Member complained against in the said Petition, do pay all his own Cost and Charges that accrued in his Defence on the said Petition.

L. H. J. Liber No. 50 April 28 On the Petition of the Freeholders of St. Mary's County, against an undue Election for the said County;

Ordered, That Mr. Edmund Key do pay £4.15.4. that the Petitioners do pay £3.3.4. and that Mr. ——— ——— do pay the Residue.

Ordered, on the Petition of Richard Gresham, Hugh Wallis, Thomas Smith, and James Ringgold, against an undue Election for Kent County, That the said Petitioners do pay all the Cost and Charges which accrued on the said Petition.

Ordered, on the Petition of the Freeholders of Baltimore County, &c. against an undue Election for the said County, That the Petitioners do pay the Costs and Charges which accrued on the said Petition.

The House adjourns till the Morrow Morning at 8 of the Clock.

April 29

Saturday, April 29, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. John Hammond Dorsey. The Proceedings were Read.

Mr. James John Mackall hath Leave of Absence till Monday next.

On Motion, Ordered, That Mr. Waggaman, Mr. Hyland, and Mr. Tilden, be a Committee to Tax the Fees that have arisen to the Officers of this House, and Witnesses that have attended, upon the Petition against the Election for Frederick County.

Mr. Govane, from the Committee of Accounts, having laid before the House, for their Determination, sundry Accounts for the Hire of Waggons, for carrying Provisions, &c. on the Frontiers of this Province, many of which appear to be taken up or impressed by p. 125 Order of Col. Stanwix, and some by Order of the Governor, and the House proceeded to the Consideration thereof; whereupon the Articles of Agreement between the Agents under the £40,000 Act, and Dr. David Ross, for supplying Provisions for the Frontier Service were Read; and thereupon Resolved, That the further Consideration of those Accounts be postponed, until a Grant be made of a Sum of Money for his Majesty's Service, and the Defence and Security of this Province, Part of which this House propose to apply to the Payment of such of the said Accounts, as shall appear to them just and reasonable.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the Paper Bill, entituled, An Aiding Supplementary Act to an Act, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of St. George's Parish, in the said County a Sum of Money for the Uses therein mentioned. Indorsed, " By the Upper

House of Assembly, 21st April, 1758. The Ingrossed Bill, whereof this is the Original, is Read and Assented to.

L. H. J. Liber No. 50 April 29

Signed ℘ Order, J. Ross, Cl. Up. Ho."

Col. Tasker, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for Trial of all Matters of Fact in the several Counties where they have arisen or shall arise; Indorsed, "By the Upper House of Assembly, 27.th April 1758. Read the first time and Ordered to lie on the Table" and thus "By the Upper House of Assembly, 29th April, 1758. Read the second Time, and will not Pass.

Signed ℘ Order, J. Ross, Cl. Up. Ho."

The House adjourns till 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Edward Gantt hath Leave of Absence till next Tuesday Morning.

Mr. Cockey Deye, Mr. Matthew Tilghman, Mr. Hammond, and Mr. Thomas Gantt, have Leave of Absence, till next Monday Morning at Ten of the Clock.

The House adjourns till Monday Morning at 10 of the Clock.

Monday, May 1, 1758.

May 1

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Matthew Tilghman, Mr. Gray, Mr. J. J. Mackall, Mr. Edward Gantt, and Mr. King. The Proceedings were Read.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Southern appeared in the House.

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Mr. Bracco brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Relief and Release of poor distressed Prisoners for Debt; which was Read the first Time and Ordered to lie on the Table.

Mr. Govane brings in and delivers to Mr. Speaker, an ingrossed Bill, entituled, An Act relating to Guardians and Orphans; which was Read and Assented to, and sent to the Upper House, with the Paper Bill thereof, by Alexander Williamson, Esq; and Mr. Wilson.

Col. Tasker and Benedict Calvert, Esq; from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of the Lower House immediately in the Council Chamber.

Mr. Speaker left the Chair, and went (with the Members of the Lower House) to the Council Chamber, and there presented to his Excellency, an ingrossed Bill, entituled, An Aiding Supplementary Act to an Act, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court to assess

L. H. J. Liber No. 50 May 1 and levy on the taxable Inhabitants of St. George's Parish in the said County, a Sum of Money for the Uses therein mentioned, which his Excellency the Governor passed into a Law, in the usual Manner.

Mr. Speaker returned (with the Rest of the Members) to the Lower House, and re-assumed the Chair.

The House adjourns till the Morrow Morning at 8 of the Clock.

May 2

Tuesday, May 2, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday Afternoon. The Proceedings were Read.

Mr. Ward appeared in the House.

Mr. Bracco brings in and delivers to Mr. Speaker, the Bill, An Act for reducing the Allowances of the Councillors, Deputies and Delegates, that shall serve in the General Assembly, the Judges of the Court of Appeals and the Commissioners of the Provincial and County Courts for the Province for ascertaining the Allowances of the Clerks and other Officers of both Houses of Assembly and securing the Independency of the said Deputies and Delegates and other Purposes therein mentioned with the Amendments for which the said Bill had been committed; which was Read the second Time, with the Amendments, and the Question was put, That the said Bill do pass. Resolved in the Affirmative.

p. 127

For the Affirmative,

Reeder,
Williamson,
Hynson,
Tilden,
Hammond,
Gassaway,
Carroll,
Worthington,
Reynolds,
Hanson,
Waggaman,
Wilson,
Oldham,
Lecompte,
Govane,
Cockey Deye,
Owings,
Earle,
Baker,
Dulany,
Woodward,
T. Gantt,
Lloyd,
E. Tilghman,
Bracco,
Harris,
Chapline,
Beatty.
[28]

For the Negative,

Sothoron,
Murdock,
E. Dorsey.
[3]

The said Bill was accordingly Indorsed, "Read the second Time, and will Pass;" and was sent to the Upper House, by Mr. Waggaman and Mr. Tilden.

The House adjourns till 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

L. H. J. Liber No. 50 May 2

On Motion, Leave given, to bring in A Supplementary Bill to the Act, entituled, An Act for Limitation of certain Actions, for avoiding Suits at Law;

Ordered, That Mr. Wilson, Mr. Dorsey, and Mr. Carroll, do prepare and bring in a Bill accordingly.

Mr. Govane, from the Committee of Accounts, brings in and delivers to Mr. Speaker, the Journal of Accounts.

The House adjourns till the Morrow Morning at 8 of the Clock.

Wednesday, May 3, 1758.

May 3

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Reading the second Time the Bill, entituled, An Act for the Relief and Release of poor distressed Prisoners for Debt; the Question was put, That the said Bill do pass. Resolved in the Affirmative.

For the Affirmative,

Sothoron,
Williamson,
Hynson,
Tilden,
Gassaway,
Worthington,
Reynolds,
Oldham,
Lecompte,
Earle,
Baker,
Woodward,
Murdock,
Lloyd,
E. Tilghman,
Bracco,
Harris,
Chapline,
Beatty.
[19]

For the Negative,

Reeder,
Hammond,
Carroll,
Hanson,
Waggaman,
Wilson,
Govane,
Cockey Deye,
Owings,
Dulany,
T. Gantt,
E. Dorsey.
[12]

Which Bill was accordingly Indorsed, "Read the second Time, and will pass;" and was sent to the Upper House by Colonel Tilghman and Mr. Woodward. p. 128

Mr. Edmondson and Mr. James John Mackall appeared in the House.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Francis King appeared in the House.

The following Message,

By the Lower House of Assembly, May 3d, 1758.

May it please your Honours,

We have considered the Amendments proposed by your Honours to the Bill, entituled, A Supplementary Act to the Act, entituled, An

L. H. J. Liber No. 50 May 3 Act for Granting a Supply of £40,000 for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit, and Raising a Fund for sinking the same; and altho' they do not seem to us in any Sort material or necessary, yet, in order that a Bill so Beneficial to the Province, may not be lost, we have agreed to the first Four of your Amendments; but cannot consent to the Mode of Recovery of the Fines and Penalties imposed by the Bill, as the Method proposed by your Honours will be attended with considerable Expence and great Delay, discourage Persons that otherwise might be induced to inform, if the Recoveries could be obtained with more Ease and Dispatch, and consequently defeat the End proposed by the Bill.

We hope therefore that your Honours will recede from that Amendment, which, if you do, the Bill, with the others, will pass our House for Ingrossing.

Signed ꝑ Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House by Mr. Lloyd and Mr. Wilson.

The House adjourns till the Morrow Morning at 8 of the Clock.

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Thursday, May 4, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. John Hammond Dorsey appeared in the House.

On Motion, the Question was put, That Leave be now given to bring in a Bill, entituled, An Act to Repeal Part of an Act, entituled, An Act Repealing Part of an Act, laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province; and to lay a Duty upon Rum, Spirits, Wine and Brandy, imported into this Province from Pennsylvania, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex. Resolved in the Negative.

For the Affirmative,

Reeder,
Sothoron,
Hammond,
Gassaway,
Carroll,
J. J. Mackall,
Reynolds,
Waggaman,
Wilson,
Govane,
Dulany,
Woodward,
Murdock,
Fraser,
T. Gantt,
Bracco,
Chapline,
E. Dorsey. 18

For the Negative,

Williamson,
Hynson,
Tilden,
J. H. Dorsey,
Cockey Deye,
Owings,
King,
Lloyd,
E. Tilghman,

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Hanson,
Edmondson,
Oldham,
Lecompte,
Hyland,
Earle,
Baker,
Ward,
Beatty,
Harris.
19

Mr. Wilson brings in and delivers to Mr. Speaker, a Bill, entituled, A Supplementary Act to an Act, entituled, An Act for Limitation of certain Actions, for avoiding Suits at Law; which was Read the first Time, and Ordered to lie on the Table.

Mr. Edward Gantt appeared in the House.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.

By the Upper House of Assembly, May 4, 1758.

Gentlemen,

[This long message is printed in full in Upper House Journal pp. 499-519]

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.[t]

By the Upper House of Assembly, May 4, 1758.

Gentlemen,

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We sent you a Bill the 19th of last Month, Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, of which you have not been pleased to take the least Notice to us; but on the second Instant, you sent us a Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, that shall serve in the General Assembly, the Judges of the Court of Appeals, and the Commissioners of the Provincial and County Courts of this Province, for ascertaining the Allowances of the Clerks and other Officers of both Houses of Assembly, and securing the Independency of the said Deputies and Delegates, and other Purposes therein mentioned.

As we apprehend that the Bill sent from us ought first to be considered, and the Method you have pursued is inconsistent with all Rules of Proceeding, we have Rejected your Bill upon a View of the Title of it, and hope that you will not adhere to a Mode of Proceeding, which can't but defeat the End we proposed, of Easing the good People of this Province.

Signed ꝑ Order, J. Ross, Cl. Up. Ho.

And the Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, &c. which had been sent from this House to the Upper House.

On Motion, the Question was put, That Joshua Hall be allowed in the Journal of Accounts for a Servant named John Gale, valued, as ꝑ Certificate from the Justices of Baltimore County Court, to the Sum of £66. Resolved in the Negative.

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Liber No. 50
May 4

For the Affirmative,

Sothoron,
Williamson,
Hynson,
Waggaman,
Wilson,
Lecompte,
Govane,
J. H. Dorsey,
Owings,
Hyland,
Bracco.
[11]

For the Negative,

Reeder,
Hammond,
Tilden,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Edmondson,
Oldham,
Cockey Deye,
Earle,
Baker,
Ward,
Dulany,
Murdock,
Fraser,
T. Gantt,
Lloyd,
E. Tilghman,
Harris,
Chapline,
E. Dorsey,
Beatty.
[26]

The House adjourns till 2 of the Clock.

p. 157

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Matthew Tilghman appeared in the House.

On Motion, Leave given, to bring in a Bill To Repeal Part of an Act, entituled, An Act Repealing Part of an Act, laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province; and to lay a Duty upon Rum, Spirits, Wine and Brandy, imported into this Province from Pennsylvania, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex;

Ordered, That Mr. Dorsey and Mr. Carroll do prepare and bring in a Bill accordingly.

Mr. Dorsey brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to Repeal Part of an Act, entituled, An Act Repealing Part of an Act laying an Imposition on Negroes, and several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province; and to lay a Duty upon Rum, Spirits, Wine and Brandy, imported into this Province from Pennsylvania, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex; which was Read the first Time, and Ordered to lie on the Table.

Daniel Dulany, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz.

By the Upper House of Assembly, May 4, 1758.

Gentlemen,

We have returned you the Bill, entituled, A Supplementary Act to an Act, entituled, An Act for Granting a Supply of £40,000 &c.

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with the Amendments proposed by us, the Propriety whereof we are too well convinced of to recede from; and if you think the Bill to be Beneficial to the Province, and are really unwilling to lose it, we now put it in your Power to Pass it for Ingrossing.

A Recovery, in a summary Way, before one Justice of the Peace, of the Penalty of £5, may perhaps induce Persons to inform, but it may also introduce much Partiality and Oppression; and we think there ought to be great Caution in vesting a single Justice of the Peace, out of Court, from whose Decision there would be no Appeal, with the Power of Determining in a summary Way.

Signed ꝑ Order, J. Ross, Cl. Up. Ho.

And the Bill, entituled, A Supplementary Act to an Act, entituled, p. 158 An Act for Granting a Supply of £40,000 for his Majesty's Service, &c.

Mr. Lloyd brings in and delivers to Mr. Speaker, the following Report, viz.[t]

By the Committee of Accounts, May 4, 1758.

Your Committee having Inspected the several Journals of Accounts passed by both Houses of Assembly, from the Year 1708 to the Year 1715, do find the Allowances made to the Members for the City of Annapolis, to be 70 lbs. Tobacco ꝑ Day, and from the Year 1716 to the Year 1728, the Members for the said City have been allowed 140 lbs. Tobacco ꝑ Day.

All which is humbly submitted to the Consideration of the Honourable House.

Signed ꝑ Order, B. Nicholson, Clerk.

Which said Report was Read the first Time, and Ordered to lie on the Table.

On Reading a Certificate from the Justices of Frederick County, for the Valuation of sundry Servants, the Question was put, That the several Persons be allowed for their several Servants, according to the Value mentioned in the said Certificates. Resolved in the Affirmative.

For the Affirmative,

Sothoron,
Williamson,
Hynson,
Tilden,
Gassaway,
Carroll,
Hanson,
Waggaman,
Wilson,
M. Tilghman,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Ward,
Earle,
Baker,
Dulany,
Fraser,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
Beatty.

L. H. J. Liber No. 50 May 4

For the Negative,

Reeder,
Hammond,
Worthington,
J. J. Mackall,
Reynolds,
E. Gantt,
Edmondson,
Oldham,
Murdock,
T. Gantt,
King,
Harris,
E. Dorsey.
13

On Reading the second Time the Report brought in by Mr. Lloyd,
the Question was put, That the Burgesses for the City of Annapolis
p. 159 have the Allowance made, for their Attendance, as usual, in the
Journal of Accounts.

For the Affirmative,

Williamson,
Tilden,
Hammond,
J. J. Mackall,
Reynolds,
Hanson,
Oldham,
Lecompte,
J. H. Dorsey,
Cockey Deye,
Hyland,
Ward,
Fraser,
T. Gantt,
King,
Harris,
Beatty,
E. Tilghman,
Bracco.
19

For the Negative,

Reeder,
Sothoron,
Hynson,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Waggaman,
Wilson,
M. Tilghman,
Edmondson,
Govane,
Owings,
Earle,
Baker,
Murdock,
Chapline,
E. Dorsey,
Lloyd.
19

The House being Divided on the aforegoing Question, the same was Determined by the Honourable Speaker in the Affirmative.

The House adjourns till the Morrow Morning at 8 of the Clock.

May 5

Friday, May 5, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Sulivane appeared in the House.

The Bill, entituled, A Supplementary Act to an Act, entituled, An Act for Limitation of certain Actions, for avoiding Suits at Law, was Read the second Time, and will pass; and was sent to the Upper House by Mr. Wilson and Mr. John Hammond Dorsey.

On Reading the second Time the Bill, entituled, An Act to Repeal Part of an Act, entituled, An Act Repealing Part of an Act laying an Imposition on Negroes, and several Sorts of Liquors, imported;

L. H. J.
Liber No. 50
May 5

and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province; and to lay a Duty upon Rum, Spirits, Wine and Brandy, imported into this Province from Pennsylvania, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, the Question was put, That the said Bill do pass. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Sothoron,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Reynolds,
E. Gantt,
Hanson,
Waggaman,
Wilson,
Govane,
Cockey Deye,
Dulany,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Handy,
Harris,
Chapline,
E. Dorsey. 24

For the Negative, p. 160

Williamson,
Hynson,
Tilden,
M. Tilghman,
Edmondson,
Oldham,
Sulivane,
Lecompte,
J. H. Dorsey,
Owings,
Hyland,
Earle,
Baker,
Ward,
Lloyd,
E. Tilghman,
Bracco,
Beatty.

Which Bill was accordingly Indorsed, " Read the second Time, and will pass; " and was sent to the Upper House by Mr. Carroll and Mr. Harris.

Mr. Reynolds and Mr. Tilden have Leave to go home.

The Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

Altho' I am not satisfied of the Propriety of your Address of the 17th of April, or that you keep yourselves within the Bounds of your Duty, when you undertake to direct the Executive Power in it's Administration, and endeavour to influence or anticipate the Determinations of the Ordinary Jurisdictions; yet as such Pains have been taken to infuse Suspicions and Jealousies into the Minds of the People, I shall Answer that Address, and explain the Reasons which induced me, with Advice of the Council, to Order several Companies of Militia to the Western Frontier of this Province since the last Session, not doubting but they will convince every impartial Person, that what you would represent as the Result of an Arbitrary and Oppressive Design, was in fact both a Legal and Necessary Measure.

Since no Person, however fond he may be of censuring my Conduct, will blame or make me accountable for the violent Storm, or

L. H. J. Liber No. 50 May 5 the severe Weather that happened after Captain Browne, and Captain Casson, received my Orders to march, I pass over what you relate concerning these Accidents; neither do I think it necessary to make any Apology for proroguing the Assembly on the 8th of March last, after your House (as appears by your Journal) dropt all Thoughts of doing the Business for which alone you were called together; but shall proceed at once to examine the most material Parts of your Address, and endeavour to shew that I have not issued any Orders which can be called illegal or unnecessary, and that none of the Inconveniencies or Hardships which any Companies of Militia are said to have suffered, can, with the least Appearance of Justice, be imputed to me.

p. 161 Were I not desirous of avoiding all unnecessary Disputes with you, I might enumerate many Instances of Governors exercising far greater Authority over the Militia of this Province, before they received any additional Power from an Act of Assembly, than has ever been exercised since I came to this Government; but as you tell me that you have, in your Address, proceeded on a Presumption, that the Orders which were sent to the abovementioned Captains of Militia, were given by Virtue of the Law, for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof, I shall endeavour to shew, that on that Presumption, those Orders were in no Respect unlawful.

That your Constituents may be the better enabled to judge of the Merits of your Address, and the Sufficiency of my Answer, I have ordered Mr. Green to republish in his Gazette, the several Militia Laws that have been made here since the Year 1714, the Titles of which are as follows: [Printed in the *Maryland Gazette,* Annapolis: April 27, 1758, pp. 1-2; May 4, 1758, p. 1; May 11, 1758, pp. 1-2.]

1st. An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof;
which was made at a Session of Assembly, begun and held in this City, the 26th Day of April 1715, to continue for Three Years, and to the End of the next Sessions of Assembly after the End of the said Three Years. [See *Archives of Maryland,* vol. xxx; 277-283.]

2d. An Act reviving an Act of Assembly of this Province, entituled, An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof;
which was made at a Session, begun and held the 14th Day of May 1719, and the Act of Assembly abovementioned was thereby Revived and Continued in full Force, from the then present Session, for and during the Terms of Three Years, and to the End of the next Session of Assembly after the End of the said Three Years, and no longer. [See *Archives of Maryland,* vol. xxxiii, 472.]

3d. An Act directing how Fines shall be adjudged against such as neglect to appear at Musters;

which is a perpetual or indefinite Act, having no Time of Duration mentioned; it was made at a Session, begun and held the 10th of October 1722, and the first of the abovementioned Acts, viz. that entituled, An Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof, is hereby revived and continued in full Force. [See *Archives of Maryland, xxxiv,* 480.] L. H. J. Liber No. 50 May 5

4th. A Supplementary Act to the Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof;
which likewise is a perpetual or indefinite Act, having no Term of Duration mentioned. [See *Archives of Maryland, xxxix,* 113-119.] p. 162

If, Gentlemen, you are really of Opinion, that the Act of 1715 does not at this Time exist, you might, one would think, have offered at least one Argument in support of such Opinion, which would certainly have afforded your Constituents much greater Satisfaction than any general and ambiguous Suggestions; but since you have declined that Method and rest all on your own Opinion, I must take the Liberty to inform you, that the Gentlemen of the Council, and Myself, are, on the contrary, thoroughly satisfied, that the said Act is in Force, and that it will remain so, until another shall be made to repeal it.

The original Militia Law of 1715 was, as I apprehend, a Temporary One, because the Legislature declared their Intention, that it should have the Force of a Law for a Term only, viz. for Three Years, and to the End of the next Session; and the Reviving Act of 1719, sets it up again as a Temporary Law only, by the same Method, that is, by declaring their Intention, that it should have the Force of a Law from that Session for Three Years, and to the End of the next Session that should happen after the End of the said Three Years, and no longer; for had not these Limitations of Duration been added as a Bar to it's Perpetuity, it would, I conceive, either upon it's being first Enacted, or on it's first Revival, have continued on in a perpetual Operation; and therefore, when the Act of 1722 revives and continues it in full Force, without any Declaration of an Intention that it should operate only for a Term, it immediately, for Want of that Limitation of Time, became perpetual or indefinite, as is the Act of 1722, by which it was revived and continued. Thus an Act was made by the Legislature of New-York, in September 1708, for the Encouragement of Whaling, which was to continue, and be of Force, for and during the Space and Term of Seven Years, from the Publication thereof: You may learn from the New-York Body of Laws, which was published in the Year 1752, according to an Act of the General Assembly of that Province, that the aforesaid Act was revived and continued by several Temporary Acts, which were

L. H. J. Liber No. 50 May 5 p. 163 made for that Purpose, in the Years 1716, 1720, 1726, 1733, and 1739; but in November 1750, it was, as is observed by the Revisers and Publishers of those Laws, made perpetual by the following Clause of an Act that was passed at that Time, viz. "Be it Enacted, &c. That the aforesaid Act, entituled, An Act for the Encouragement of Whaling, shall be and hereby is continued, and every Article, Matter, Clause, and Thing therein contained, enacted to be, remain, and continue in full Force and Virtue, after the said first Day of December next, to all Intents, Constructions, and Purposes whatsoever."

The abovementioned Act of Assembly, made by the Legislature of this Province in 1722, does not only revive and continue that of 1715, but likewise aids and assists it, by directing, that in Case any Persons summoned to appear before the Field-Officer (holding a Court-Martial) shall not appear, or otherwise excuse themselves, it shall be lawful for such Officers to judge their Case as on Default. The subsequent Law, made in 1732-3, was certainly Enacted upon a Supposition, that the Act of 1715 was then existing, and several Acts have been made since that Time, upon the same Supposition, particularly a Temporary One, in 1748, To exempt Persons appearing at Musters from Arrests in Civil Cases; which has been revived and continued by an Act that you have yourselves framed within these Eight Months. By the Supply Bill that was passed in May 1756, Draughts were directed to be made out of the Militia of this Province; and so lately as in the Month of March last, you inserted in a Bill which was then offered to the Upper House, a Clause to exempt certain Persons from serving in the Militia.

The Militia of this Province have been Mustered and Trained under the Act of 1715, ever since it was made, to this Time; Courts Martial have been held by the Officers agreeable to the Directions of this Act; Defaulters have been fined and compelled to pay; the Justices of the several County Courts have continued to nominate and appoint Press-masters annually in their respective Counties; and the Press-masters, when called upon, have regularly performed their Duty, as indeed they were obliged, under Pain of being prosecuted: Wherefore, then, would you endeavour to bring your Constituents into Trouble, by encouraging them to disobey the legal Orders of those who have a Right to command them? Or, Why will you, contrary to the Practice of your Predecessors, appear so anxious to render this Province Naked and Defenceless, at a Time when every Body, besides yourselves, will acknowledge, we are in imminent Danger; and when our most Gracious Sovereign, out of his paternal Care for p. 164 us, has enjoined me to have the Militia of the Province carefully Trained and Disciplined, that they may be able and ready to defend themselves, and to annoy his Majesty's Enemies?

Supposing then that this Act of Assembly, which was made in 1715, for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof, is in full Force and Virtue (and if any Thing could have been said to invalidate it, I am, as I have already hinted, apt to think you would not so studiously have avoided entering into a Dispute with me about it's Existence): It not only seems to give, but expressly does give Power to every Colonel, Lieutenant-Colonel, Major or Captain, to enlist the Inhabitants of this Province to be of the Militia, and to muster, exercise and train them, and it likewise subjects such Inhabitants to a Fine for Non-Appearance, or Refusal to be enlisted in the Militia or Train-Bands; but whence you would deduce, that the Inhabitants of this Province are to be only mustered in, and not liable to be marched out of, the Counties where they respectively reside, I cannot conceive, since the Act plainly and expressly declares, that the Officers shall muster, exercise, and train the Persons so enlisted, "in and at such Places, and at such certain Times as to them shall seem meet, and as the Service, Safety or Defence of this Province shall require, or as his Excellency the Governor of this Province, or Commander in Chief for the Time being, shall see Cause to Order." L. H. J. Liber No. 50 May 5

After this Act has settled or regulated the Pay of the Officers and Soldiers of Militia, while in actual Service, it proceeds by another Clause, beginning with the Words, "and to the Intent that whensoever," &c. and by the following Enacting Clause, to vest, or it supposes the Governor and his Council already vested, with the sole Power of determining when it is necessary to raise Men for suppressing any foreign Invasion, domestic Insurrection or Rebellion, or War with any Indians; it consequently makes, or supposes, them the only Judges of what is to be deemed a foreign Invasion, domestic Insurrection, &c. and does not leave that to the Determination of every Individual, or any Number of Individuals of the Militia whatever. The Law then declares, that the Pay of such Officers and Men, as may be so raised and employed, and all the necessary Charges of such War, shall be discharged and defrayed by an equal Assessment upon the Taxables of this Province, or out of the Public Treasury of this Province, and no otherwise whatsoever. p. 165

By a subsequent Clause of this Act, beginning with the Words, "and be it further Enacted, by the Authority aforesaid, that if upon any foreign Invasion, any Person or Persons, or a Mode is prescribed, (as the Gentlemen of the Lower House observed to Governor Ogle, in an Address they presented to him the 4th of June 1740) "for the Punishment of any Men that shall not, after being duly warned, appear and serve in Arms, for the necessary Defence of this Province on such an Occasion;" to wit, they are first to be carried before a Justice of the Peace, and if the Justice shall think their Excuses insufficient, he is to commit them, and they are to remain

L. H. J. Liber No. 50 May 5

in the Sheriff's Custody, until they find Surety to appear at the next Provincial Court, there to be proceeded against according to the due Course of Law, and if thereupon they shall be convict of such obstinate Refusal, or Disobedience as aforesaid, they are to be fined and imprisoned according to the Directions of the Justices of the Provincial Court.

It was undoubtedly the Intention of the Legislature, by which the Act of 1715 was made, that every Part of the Militia, should be a Militia for the Defence of any and every Part of the Province, when called upon for that Purpose; there are several Expressions in the Law that imply as much; such are, " in and at such Places, &c. at the Service, Safety, or Defence of this Province shall require, or as his Excellency, &c. shall see Cause to order. Such Soldiers as shall, in the Time of War, adventure in the Service of the Country. For the Encouragement of such Soldiers as shall, in the Time of War, adventure in the Service of this Country. For the Encouragement of such Soldiers as shall adventure their Lives in the Service and Defence of this Province. Every Person that shall adventure as a Soldier in any War, or Defence of this Province, and shall therein happen to be maimed, &c. shall, according to his Disability, receive a yearly Pension, to be raised out of the public Levy of this Province. And every Person slain in the Service of this Province, leaving behind him a Wife, &c. the Party petitioning for such Pensions and Allowances, procuring a Certificate from the County Court where he, she, or they live. All Soldiers hereafter to be employed in any public Service within this Province, be paid in the respective Counties where the said Soldiers live." Had these Soldiers, or Militia been to serve only in Defence of the County where they lived, and not in Defence of any other Part of the Country, the Legislature would probably have left it to the County to pay them, and not have laid that Burthen on all the Taxables of this Province. p. 166

But tho' there was no Expression in the Act to give Countenance to such Construction, yet surely if there be no Expression limiting or restraining Parts of the Militia to the Defence of certain Parts of the Province, from the very Nature of the Thing it would not be otherwise; for the Strength and Defence of every Country consists in the united Force of the Individuals of that Country or State; and as every Member of a State is originally bound in Duty to aid and assist in the Defence thereof, he is undoubtedly obliged to aid and assist in the Defence of every Part of it; for otherwise the Whole must be easily destroyed by a gradual Destruction of each and every Part.

There was indeed an Act made here in the Year 1649 or 1650, and which is mentioned in one that was made in 1676 as being then in force, whereby it is Declared, that if the Lord Proprietary, his Heirs, &c. " shall at any Time hereafter make any War out of the

L. H. J.
Liber No. 50
May 5

Limits or Precincts of this Province without the Consent and Approbation of the General Assembly of this Province first had and declared, the Freemen of this Province shall be no ways obliged or compelled against their Consents to aid or assist with their Persons or Estates in the Prosecution or Maintenance of such War, but are and shall be discharged of all Attendance or Supply concerning or in relation to such War; any Law, Usage or Custom to the contrary hereof in any wise notwithstanding." It is afterwards enacted by the same Law, "that no Martial Law shall at any Time hereafter be exercised within this Province, but only in time of Camp or Garrison, and that within such Camp or Garrison;" but not a Syllable is to be found in this or any other Act which has ever been made in this Province, whereby the Service of the Militia, or any of them, is restrained to any particular County or Place within the Limits of this Province, or whereby they are exempted from Marching to any Part of it, that the Governor, with Advice of his Council, may think proper to order them; and in a Word, neither the Practice of this or any other Colony on the Continent (not to mention the Law or Custom of our Mother Country) will give the least Countenance to the Construction you contend for. p. 167

Lest my Answer to your Address should be protracted to too great a length, I admit all you say relative to the Marching and Service of the Militia that were ordered to the Frontiers in September and October 1756, tho' I am of Opinion, that such of them as were Drafted and went against their Inclination (and many such there were) could not properly be called Voluntiers: But as the next part of your Address, and indeed the whole of it, seems calculated to make your Constituents believe, that in September 1756, when the late Lower House approved of my having Ordered out Two Companies of Militia to the Frontiers, and moreover Addressed me to Order out Others to relieve them, there were not a sufficient Number of Troops there, to protect the Inhabitants, but that at the Time the Companies were lately ordered to march from Kent, Queen-Anne's, and Calvert Counties, there was an armed Force in the Pay of this Province on the Frontiers more than sufficient, had they been compelled to do their Duty, not only to protect the Inhabitants, but to make them easy and quiet: I must, in order to prevent your Constituents being imposed on and disquieted by such a Representation, observe to you, that the Two Companies of Soldiers which were Stationed at Fort Frederick in September 1756, and were commanded by Capt. Dagworthy and Capt. Beall, amounted to upwards of 190, including Officers, and there was also at that Time a strong Garrison of Virginia Forces in Fort Cumberland.

Now it will appear by the Muster-Rolls, that the whole Number of Private Soldiers in the Service of this Province the 9th Day of December last, did not amount to 360, about 100 of these, with a

L. H. J. Liber No. 50 May 5 proportionable Number of Officers, were at Fort Frederick, and the Rest, or most of them, were, by the especial Order of his Majesty's General, in Garrison at Fort Cumberland, or otherwise employed in that distant Part of the Province, in such Manner as Captain Dagworthy thought best for the Security of the Inhabitants, and to annoy the Enemy.

You have not, I presume, forgot, that on the 7th of last December, I informed you, that many Difficulties had been purposely thrown in the Way of Mr. Ross, the Agent Victualler, by a Member of your House, to prevent the Garrison of Fort Cumberland being supplied with Provisions; it happened, that that Member's Endeavours did not succeed so far as to force the Troops to abandon that Place for Want of Food, but they laid the Commanding Officer at Fort Frederick under the Necessity of sending several Parties to Fort Cumberland, the latter End of December, and in the Month of January, to p. 168 convoy up Provisions for the Use of that Garrison during the Winter.

Such, Gentlemen, was the State and Number of our Forces the 9th of December last, and such the Service, that, almost naked as they were, those of them that Capt. Beall had the immediate Command of, were obliged to perform in the Middle of Winter; let us next examine what Encouragement they had to perform it, and how far they could be considered at that Time in the Pay of the Province.

On the 15th of October last, Mr. Murdock and Mr. Dick, two of the Agents that were appointed to cloath, pay, and victual them, informed me by a Letter, that they had examined their Books, and found that the Money which had been appropriated for the Support of the Troops, which were then employed in the Service of this Province, was entirely expended; and I since find, that it had been expended a Week before the Gentlemen gave me that Notice, or at least, that no Pay has been issued to any of the abovementioned Troops, for their Service, since the 8th Day of October. You did indeed frame a Bill, after that Time, for keeping up 300 of the Men for the immediate Defence of the Frontier Inhabitants, but it was such a One as the Earl of Loudoun thought the Gentlemen of the Upper House did very wisely in rejecting, though there had been nothing else exceptionable in it, than what related to the Disposition or Distribution of the Men, for whose Support it was intended to provide. The Bill was, I think, returned to your House with a Negative, the First of December, and although the Assembly sat till the Sixteenth of that Month, nothing farther was done for the Support of our Troops, or that could afford them any Prospect of being paid; neither did you any Thing which could justify me, in giving the Party of Cherokees, that had just before offered us their Services, the least Encouragement to continue on our Frontiers; on the contrary, when I intreated you to appropriate to their Use, Part of the

Money which was then in the Hands of the Agents, or in the Loan Office, and which had in Fact been reserved for them, you are pleased to refer me to the Bill that had been rejected, in which, had it passed into a Law, you said such Provision was made as you judged most expedient for cultivating their Friendship; how regular or decent it was to give me such an Answer, or to refer me on that Occasion to a Bill which did not then exist, and which had never been offered to me, or how much this evinced an earnest Desire on your Part to contribute, by the Presence of your good Brothers, as you call them, to the Security of the Frontier Inhabitants, I submit to the Judgment of others.

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A few Days after the End of that Session, I was informed by a Letter from the Officer commanding at Fort Frederick, that a Member of your House had, on his Return from the Assembly, endeavoured to stir up Sedition among the Soldiers; that among other Things he had told them, their Officers had no Right to punish any Soldier for getting Drunk, that the Money which had been raised for their Support was all expended, that their Officers could have no Authority over them after the 25th of December, that they might then go whither they pleased, and that no Person had a Right to apprehend them; should the Gentleman deny that he industriously propagated such a Doctrine among the Troops, there are many Persons ready to prove it, particularly Captain Ware, Serjeant Love, and a Soldier called Charles Claget.

Had any indifferent Person received such Information as I did at this Time from the Commanding Officer at Fort Frederick, could he have imagined that any of the Soldiers would have continued there more than Six Months without Pay, or any Promise of being paid? especially if such Person had given the least Credit to what several Persons were encouraged, or forced, to come from Frederick County, in October and November last, to Swear, namely, That the Men had been ill fed and used barbarously by their respective Officers; and if the Soldiers had been persuaded to disband themselves, before any of the Militia that were ordered out could reach the Frontiers, there is the greatest Reason to conclude, from what has heretofore happened, that not only the Settlement of Conococheague would have been broke up, but that very few of the People who lived beyond Frederick-Town, would have ventured to remain on their respective Plantations; in which Case they would, it is apprehended, have been taught even by some of yourselves to lay the Blame entirely upon me, for not having ordered a sufficient Number of the Militia to their Assistance, as I had done on former Occasions. I flatter myself, that enough has been already said to justify the Orders that I sent to Captain Browne of Kent County the 21st of December, and to Captain Casson soon afterwards; but as you insist that these Orders were issued at a Time when not so much as a Report of an Incursion

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L. H. J. Liber No. 50 May 5 was stirring, I cannot help observing to you, That Two Days before my Instructions were sent to the former, I received Advice by a Person who came hither Express, that a large Party of French and Indians had been discovered near Fort Cumberland within this Province; there is a Gentleman in your House who must acknowledge, that, in a Letter which he was pleased to write from the Mouth of Conococheague, the 15th of December, and which I received the 19th of that Month, he referred me to the Bearer, and told me that he could inform me "of the French that appeared the Saturday before at Fort Cumberland." Some Letters from another of your Members (which, agreeable to his own Desire, I laid before you in a former Session) convinced you, I believe, that Alarms have been frequently given, and that Parties of the Enemy have been said to be committing Murders almost in the Heart of Frederick County, when, in all Probability, there were none within the Distance of a Hundred Miles of the Province; but the Action or Skirmish that happened in December last, between a Detachment of our Forces and the French abovementioned, leaves us no Room to doubt but a considerable Party of the Enemy was in this Province at that Time; one of them who was taken Prisoner in that Skirmish, and brought immediately to Annapolis by Lieutenant Riley, declared, on his Examination before Col. Haldiman, Sir John St. Clair, and Myself, that the Party consisted of Two Officers, Six Cadets, Twenty Soldiers, and Eight Indians, and that their Intention, when they came from Fort Duquesne the 27th of November, was, to make a Descent on this Province.

There is one Remark more that I shall take the Liberty to make before I quit this Part of your Address, and it is this, that while you would persuade your Constituents, that by the Troops on our Frontiers not being compelled to do their Duty, the Inhabitants are neither protected nor made quiet and easy, you endeavour to shew that those Inhabitants were entirely satisfied, and that scarce a Person could be found, who could truly say, he was apprehensive of any Danger at all. Had I founded my Power, or Right, to order any of the Militia of Kent, Queen-Anne's, or Calvert, Counties to the Frontiers, on the Address that was presented to me the 30th of September 1756, by the late Lower House of Assembly, or if I had taken any Step, p. 171 upon a Supposition that I was by that Address vested with any Authority which I before wanted, your Intimations about the Danger of affording Precedents, and your Observation, that we ought to guard against every bad Consequence which may possibly flow from a Stretch of Power beyond its due Bounds, might perhaps have been more aptly introduced than they seem to be at present; but I assure you, Gentlemen, that although it will always give me great Pleasure to know that the Members you allude to, approve my Conduct, yet, I shall not think that the Unanimity, or more than Unanimity, of any Part of your House, in approving or disapproving, will make a

Step Wrong that is in its Nature Justifiable and Right, or an Act Lawful or Commendable, that is in itself Illegal and Oppressive; however, if those Gentlemen were of Opinion the 11th of October, when you answered my Message, that they had been in an Error, and had by their Address led me to think higher of my Power and Authority over the Militia than I ought, they would have dealt ingenuously in acknowledging their Error, and endeavouring to undeceive me at that Time, but as they did neither, I can hardly think that by saying they thought it "would be wrong for the present" to order a Company of Militia to the Frontiers, they meant, that, in their Opinion, it would be wrong or illegal for me to order any to march for the future, especially when I remember the particular Reason you gave for not advising me to order out a Company at that Time, to wit, that there were then Soldiers enough on the Frontiers to protect the Inhabitants; which indeed was the Case; but though the Soldiers could, and did, effectually protect them, yet it was not in their Power, we find, to make them quiet and easy.

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What Reason you have, or think you have, to presume, that if your House had approved of my sending out any of the Militia on that Occasion, I should not have ordered them from Queen-Anne's, Kent, or Calvert Counties, I know not; I cannot positively say that I should, but, in all probability, if you had desired me to comply with the Request that Captains Delashmut and Chapline had then made, in Behalf of the Frontier Inhabitants, a Company would have been ordered from one of these Counties, lest the Inhabitants of those, from which the Companies had been ordered to march on former Occasions, should have complained of my compelling them to do more Duty than might properly be deemed their Share; and I hope none of you are of Opinion, that a Person's residing on the Eastern Side of the Bay, ought to excuse him from contributing to the Security of those who live on this Side of it. p. 172

Had the Present you speak of been given to the Party of Cherokees, even before Captain Broome received Orders to march, that Circumstances might, perhaps, have had some Weight with such as imagine Indians will be restrained, or do the Duty of Soldiers; but surely you will not pretend to say, that your framing a Bill for their Encouragement, on the 30th of March, was a Reason why I ought to have taken, or to have declined taking, any particular Step on the 9th of that Month, which was the Day the Orders to Captain Broome were issued.

In my Message of the 23d of February, I told you, that as I had good Reason to apprehend, that the Soldiers which had been raised for the more immediate Defence of our Frontier Inhabitants, would disband themselves when they found that the Assembly had broke up, without making any further Provision for their Support, I thought it my indispensible Duty, to order two Companies of Militia

L. H. J. Liber No. 50 May 5 to the Frontiers, lest the People that were settled there, being left without any Hopes of Assistance or Protection, should desert their Habitations or fall an easy Prey to the Enemy; to this you Answer, that as a Bill was sent up from your House last Session, making Provision for supporting Three Companies of the Soldiers, which had been raised for his Majesty's Service, and the more immediate Defence of our Frontier Inhabitants, it would seem that these Soldiers thought they had sufficient Reason to depend, that the several Branches of the Legislature would soon agree upon some Bill for that Purpose, though they had broke up without doing any Thing at that Time, and that you presume it is this reasonable Dependance which has prevented the Soldiers disbanding themselves, even to this Time: That the Soldiers on our Frontiers, or their Officers at least, hope they shall ere long receive their Arrears of Pay, is very probable; how reasonable such their Dependance is, the Event of this Session will determine. The Declarations you have now made, give me Room to hope, that neither they, nor the Person that hath Victualled them since the Money granted for their Support has been p. 173 expended, will be disappointed in their Expectations; but it surely must be acknowledged, that Men in this State of Dependance and Uncertainty are in a very different Situation from that of Troops which are actually in Pay, and I doubt not but your Constituents, notwithstanding your Endeavours to represent them as one and the same, will readily perceive the Difference.

The Power of the Governor, and of such Officers as might be Commissioned by the Commander in Chief of this Province, to compel the Militia of one County to march into another, and the Obligation the Militia are under to obey the Commands of such Governor, or their respective Officers, having been already stated, I pass on to your Dissertation on the Word Invasion, which it seems by your Account is something different from an Incursion: I could wish you had before you proceeded to argue so much about this Word, thought proper to define it, and to tell us what, in your Opinion, an Invasion is as well as what it is not.

According to Bailey, an Invasion is an inroad or Descent upon a Country; he does not say by what Number of the Enemy, how long they must Stay, whether they may be all Light-Armed, or whether it is absolutely necessary that they should bring with them any Artillery or heavy Baggage. If you recur to the Laws that were made here at different Times before the Militia Act at present in Question, you will find that they often speak of the Danger the Inhabitants of this Province were exposed to by the frequent Incursions and Invasions of their common Enemy the Indians; and the Records will shew you, that your Ancestors thought themselves invaded when any Party of Indians came into or even approached the Province with a hostile Intent: In this Sense, the Party of the Enemy that did the Mischief on Conococheague in August 1756, about six Weeks before the late Lower House of Assembly addressed me to order out the Militia that marched from Prince-George's and Charles Counties to the Frontiers, might be said to have made an Incursion; but when the Detachment from Fort Duquesne appeared near Fort Cumberland in December last, the Province was under an actual Invasion, altho' no Report of an Enemy's being near it had reached the Ears of any Person that resided in Kent, or Queen-Anne's, County. Whether the Gentlemen who penned those Laws, and talked of an Invasion by Indians, knew the Meaning and Force of that Word, so well as some of their Defendants pretend to do, I shall not take upon me to determine; nor should I perhaps, if you had thought proper to give a Definition of it, have taken the Liberty to tell you what your Ancestors thought an Invasion; but since I have mentioned them, give me leave to add, that if They had thought it was too soon to march before their Enemies were in the Heart of the Country, and that it was too late to stir after their Enemies had retired again beyond the Inhabitants, the Number of his Majesty's faithful and loyal Subjects in Maryland, would in all Probability have been now far less considerable than it is at present.

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I am glad to find, you are at length persuaded, that our Frontier Inhabitants might be in some Degree protected by Parties making Excursions from Fort Cumberland into the Country that our Enemies are at present in Possession of; tho' it is still a Question with me, whether the People who live about Conococheague thought that this Excursion of the Cherokees who, by the Bye, are in another Part of your Address supposed to be at this very Time on our Frontiers contributed at all to their Security, for they have been made to think, that no Men who are employed in any Manner whatever beyond the North Mountain can be of any real Service; and it was I presume from the same Opinion, that you proposed by the Bill which was rejected by the Upper House in December last, to make it Criminal for any of our Officers or Men to go beyond that Mountain, even in Pursuit of any of the Enemy, tho' they should have been sure of overtaking them.

It does not I presume necessarily follow, that because I am of Opinion I had a Power to march, by Advice of the Council, the Companies of Militia abovementioned, that therefore I must suppose I had an Authority to march the Militia of this Province whenever and wheresoever I should please, even without their Advice, and that some future Governor might, by Virtue of the same Authority, whenever he shall find himself opposed in any unjust Views or Designs, compel the whole Militia of the Province to march to any distant Part of it, and keep them there until their Representatives shall have complied with all his extravagant Demands: I can answer for myself, that a due Sense of my Duty to the Lord Proprietary,

L. H. J. Liber No. 50 May 5 p. 175 and a sincere Regard for the People committed to my Care, will always make me extremely cautious, and avoid every Step that might give them just Cause of Discontent or Uneasiness, or tend to alienate their Affections from his Lordship's Government; and I cannot believe that any Governor in his Senses, would ever think of harrassing the Militia of this Province in such a Manner or with such a View, tho' he was intirely Independent and not answerable to any Superiors for his Conduct.

If the March of those Militia was lawful and necessary, and I hope you are by this Time clearly of Opinion it was both, the Impressing Provisions for them in the Counties whence they marched, was a Measure that could not be well avoided, notwithstanding the Country was thereby put to some extraordinary Expence on Account of the Carriage. That Provisions may be bought for ready Money at a cheaper Rate in Frederick County than on the Eastern Side of the Bay, is perhaps true; but what was that to me who had not ready Money to purchase with. Suppose I should find myself obliged to defend or protect this Country with Militia as long as it shall continue in the Circumstances described in our Laws, Ought the People of Frederick County alone to supply them gratis with Provisions? Or, in other Words, Should the Principal or almost the Whole Burthen of such a Defensive War, fall upon those that are supposed to be the least able to bear it? This, I am satisfied, was far from being the Desire of the late Lower House of Assembly, when they told me in their Address, that they were sensible the Impressing Provisions for the Militia from the Frontier Inhabitants, might greatly distress them, and when they made Provision for the immediate Payment of any Persons that would engage to victual such Militia; if you consider likewise the Difficulty a Press-master must meet with, as well as the Time that must be spent in collecting any considerable Quantity of Provisions, and the Loss any Officers of Militia would be at in a County where they should neither be acquainted with the Press-masters, nor any other Person; you will, I flatter myself, be reconciled to all the Steps that have been taken, especially when the Gentlemen of Calvert County have told you, that the principal, if not the only, Reason, why the Company of Militia, commanded by Captain Brome, delayed to march so long after he received my Orders, was, that a sufficient Quantity of Provisions could not be collected for them so soon as was expected, and that they were afraid of suffering through Want of Food, after they should arrive at their Place of Destination.

p. 176 I am obliged to you for believing, that I did not order the Militia from Kent, Queen-Anne's and Calvert Counties now, or from Anne-Arundel, Baltimore, Charles, Frederick and Prince-George's Counties heretofore, with an Intention to disquiet and distress the good People of any particular Parts of the Province. In this you do me great Justice, as my sole Design in giving those Orders, and the Design of the Gentlemen that advised me, was to prevent the good People in one particular Part of the Province being disquieted or distressed; and I cannot conceive that any future Governor of this Province, however unworthy he may be of the Appellation of Humane and Benevolent, will ever think of making the March of these Companies a Precedent for ordering others hereafter to the Frontiers, and stationing them there, not for the Space of a Month or Six Weeks only, and not in order to repel a foreign Invasion, or to protect the Inhabitants from the most imminent Danger, but to gratify his private Resentment, and with a View of disgusting the People against their Representatives. Should the Government of Maryland be in the Hands of a Person of such a Turn, the People would, no Doubt, be unhappy; but it is to be hoped, that his Council will think themselves and their Families too much interested in the Happiness and Welfare of their Country, to countenance or connive at such an Attempt; and he will most undoubtedly find by Experience, that instead of disgusting the People against their Representatives, by such arbitrary Proceedings, he will inevitably bring their Resentment and Execrations on himself. L. H. J. Liber No. 50 May 5

It gives me great Pleasure to find, that you now see the Behaviour of the Militia, that ran to their Arms on the Alarm that happened in November 1755, in it's proper Light; the Willingness they shewed to march to the Assistance of their Fellow-Subjects in another Province, was truly laudable: I return you Thanks for your Eulogium on them, and am thereby encouraged to remind you of a Message that I sent to the Lower House of Assembly the next Session afterwards, wherein were the following Words: "I must also recommend it to you, to repay the Officers of the Militia of Cæcil, Kent and Frederick Counties, what they expended on the Alarm in November last, when it was believed in those Counties that a large Body of Indians were advancing toward the Center of the Province." It appears by their Journal, that the House about a Month afterwards, referred the Officers Accounts for Consideration of the next Session: The Consequence of which has been, that none of them have been yet paid, tho' an Act has been passed since I laid them before the House, for Payment of the Public Charge of this Province, by Virtue of which, many Members of that House, as several Gentlemen among you can testify, have received, or may in a few Weeks receive, to the Value of some Hundred Pounds a piece, for serving their Country as Representatives in Assembly. p. 177

The Number of Gentlemen that accompanied me on my Journey to the Frontiers in the Year 1755, after the Defeat of General Braddock, was not, I believe, so large as you imagine; the Company consisted of Lieutenant Gold and Ensign Russell of his Majesty's Forces, Mr. Ridout my Secretary, the Deputy-Sheriff of Frederick

L. H. J. Liber No. 50 May 5 County, and Mr. Isaac Baker, besides Five or Six young Men that seemed fond of going with us from Frederick-Town, and whose expences I bore; not that I suppose it would have been difficult for me to get a greater Number, but I thought these were enough; besides I was unwilling to take the People from their Harvest, or to put the Country to any Expence that could possibly be avoided.

With Regard to the Behaviour of the Militia that were ordered out on the present Occasion from Kent and Queen-Anne's Counties, I can only repeat what I have been told by their Officers, that no sooner had they received my Orders to march, than some who have the Honour to sit in your House, exerted their utmost Endeavours to dissuade and discourage them from marching; the Officers were first practised with, and afterwards the Men. All the Reasons contained in the Address, which you have now presented to me, were urged to them, together with some which you have not in the Address taken Notice of, particularly, that altho' I had a Right or Power to oblige the whole Militia of a County to march, yet I had no Authority to order the Officers of a Regiment to determine among themselves by drawing Lots, which of them should take the Command of, and March with, a Company or Detachment. I have been told likewise, that many Artifices were used to hinder the Press-masters from executing my Warrants; however, both they, and the Officers to whom my Orders were sent, knew their Duty, and performed it. And the Men, after the Impression that these fallacious Arguments had at first made on them was effaced, obeyed their Officers Commands, p. 178 excepting a few, whose Names I understand were returned by their Captain to a Justice of the Peace, according to the Directions of the Act of Assembly: Whether they have been all as yet carried before him, and whether he admitted the Excuses of such as were, or to what it is owing that none of them were bound over to the last Provincial Court, I have not been able to learn; but as the Clerk of the Council was ordered several Days ago to write to Mr. Ringgold the Justice, I expect that that Gentleman will soon send us a particular Account of the Steps he has taken with respect to this Affair; and if it shall appear that he hath been deficient in Point of Duty, as it is supposed by some that he has, you may depend that proper Notice shall be taken of his Offence or Neglect.

After what you have often said concerning the Ravages that have been Committed since the French and their Indian Allies first made a Descent on this and the two Neighbouring Provinces, I am surprized, Gentlemen, to hear you speak of them as trifling Incursions, and that you should take Occasion from a Message which Governor Denny sent in March last to the Assembly of Pennsylvania, to propagate an Opinion that we have nothing more to fear from the Indians to the Westward, when we have received Accounts of their having since that Time attacked the Frontier Inhabitants of Pennsylvania in three different Places, and cut off or carried into Captivity a very considerable Number of those unhappy People. L. H. J. Liber No. 50 May 5

Should the Issue of this Session be such as I most earnestly hope it will, I shall immediately Countermand the Orders that have been sent to Captain Brome and to the Captain of a Company of Militia in Cæcil County; but if you should unhappily break up again, without making Provision for the Support of any Troops, either to act under the Command of Brigadier Forbes, or to be left on our Frontiers, I apprehend the Gentlemen of the Council will think it absolutely necessary that Two or Three Companies of Militia should immediately March, lest upon our Troops Disbanding themselves (as they then undoubtedly will, though no Member of your House shall advise them to do so) the Frontier Inhabitants should in Despair abandon their Plantations, or fall an easy Prey to their Savage and Cruel p. 179 Enemies. I assure you, Gentlemen, that nothing could give me greater Uneasiness than to find myself obliged to take a Step which must necessarily put many of the People of this Province to Inconveniencies, and that it will not be because I have less Compassion for those whose Lot it may be to march, than yourselves, if I should issue fresh Orders, but because I think myself answerable for the Lives of the People committed to my Care, and that it is my indispensable Duty to use every legal Means in my Power for their Defence. I flatter myself that when the People consider this, they will chearfully submit to the unavoidable Inconveniencies they may be put to, which however it shall be my study to render as light as possible: And as there will not be any Necessity for my Meeting you again before Winter, unless some very unlucky or extraordinary Accident should happen, I shall, in case Nothing be done, immediately after the Conclusion of the Session, repair to the Frontiers in order to take Command of the Militia that may be Ordered thither; if there are any Gentlemen among you, especially of Cæcil, Kent, or Calvert Counties, whose private Affairs or Interest will receive no great Detriment from their being absent a Month or two from Home, I shall be extremely glad of their Company, because I am persuaded, their Presence on the Frontiers will have a good Effect on the Militia that might be Ordered from their respective Counties; but if this is a Favour that I must not expect, I hope they will at least not discourage nor dissuade any from going, that may be inclined to accompany me, or, that I may, by Advice of the Council, require to march and serve in Arms for the necessary and immediate Defence of their Country.

Hor.° Sharpe.

May 5, 1758.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Col. Tasker, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, A Supplementary Act to the Act, entituled, An Act

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for Limitation of certain Actions, for avoiding Suits at Law; Indorsed, " By the Upper House of Assembly, 5th May, 1758. Read the first time and Ordered to lie on the Table Signed ꝑ Order J Ross Cl Up Ho. And thus " By the Upper House of Assembly, 5th May 1758. Read the second Time by especial Order, and, with the Amendments herewith sent, will pass.

p. 180 Signed ꝑ Order, J. Ross, Cl. Up. Ho."

And the following Message, viz.

" By the Upper House of Assembly, May 5, 1758.

Gentlemen,

[Printed in full in Upper House Journal, pp. 521-522]

On Motion, the Question was put, That no new Business be proceeded upon this Session, after the Rising of the House this Evening. Resolved in the Affirmative.

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For the Affirmative,

Reeder,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Handy,
Harris,
Chapline,
E. Dorsey,
Beatty. [33]

For the Negative,

Sothoron,
Waggaman,
Wilson,
Edmondson,
[Oldham],
Dulany. [6]

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act to Repeal Part of an Act, entituled, An Act Repealing Part of an Act laying an Imposition on Negroes, and several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province; and to lay a Duty upon Rum, Spirits, Wine and Brandy, imported into this Province from Pennsylvania, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex; Indorsed, " By the Upper House of Assembly, 5th May, 1758. Read the first time and Ordered to lie on the table Signed ꝑ Order J Ross Cl Up Ho. And thus " By the Upper House of Assembly 5th May 1758. Read the second Time by especial Order, and will pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

L. H. J.
Liber No. 50
May 5
p. 182

Which Bill was Read here, and passed for Ingrossing.

On Motion, the Question was put, That Leave be given to bring in a Bill for Raising the Sum of £45,000 for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants; and Emitting £35,000 in Bills of Credit, and Raising a Fund for sinking and replacing the Whole, by a Tax upon Ferries, a Tax upon all Pilots, a Tax upon all taxable Persons, with an additional Tax upon Negroes, a Tax upon Land, a Tax upon all Lucrative Offices, Places of Profit, Benefices, and Professions, a Tax upon all the Proprietary's Manors, Reserved and Leased Lands. Resolved in the Negative.

For the Affirmative,

Sothoron,
Waggaman,
Wilson,
Edmondson,
Oldham,
Harris. [6]

For the Negative,

Reeder,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Hyland,
Earle,
Baker,
Ward,
Dulany,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
E. Dorsey,
Beatty. [33]

On Motion, Leave given, to bring in a Bill for the Support of an Agent, for this Province, in Great-Britain;

Ordered, That Colonel Tilghman, Mr. Edward Dorsey, Mr. Hammond, and Mr. Carroll, do prepare and bring in a Bill accordingly.

The House adjourns till the Morrow Morning at 8 of the Clock.

Saturday, May 6, 1758.

May 6

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Tilden and Mr. Reynolds. The Procedings were Read.

Colonel Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Raising Two Pence Sterling for every Hogshead of Tobacco exported out of this Province, for Payment of an Agent in Great-Britain, for the Service of this Province; which was

L. H. J. Liber No. 50 May 6 Read the first Time, and the Question was put, That the said Bill be referred to the Consideration of next Assembly. Resolved in the Negative.

For the Affirmative,

Reeder,
Waggaman,
Wilson,
Edmondson,
Dulany. [5]

p. 183 For the Negative,

Sothoron,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Oldham,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Harris,
Chapline,
Beatty. 33

On Reading the second Time the Bill, entituled, An Act for Raising a Duty of Two Pence Sterling for every Hogshead of Tobacco exported out of this Province, for Payment of an Agent in Great-Britain, for the Service of this Province, the Question was put, That a Duty be laid on all Iron exported out of this Province, to be applied towards the Support of an Agent in Great-Britain. Resolved in the Negative.

For the Affirmative,

Sothoron,
Worthington,
Waggaman,
Wilson,
Edmondson,
Cockey Deye,
Woodward. 7

For the Negative,

Reeder,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Oldham,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Owings,
Hyland,
Earle,
Baker,
Ward,
Dulany,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Harris,
Chapline,
Beatty. 30

Which Bill was Read the second Time, and will pass; and was sent to the Upper House by Colonel Tilghman and Mr. Dorsey. L. H. J. Liber No. 50 May 6

On Motion, Ordered, That the Clerk of this House do write to the Justices of Cæcil County, to make an Enquiry into the Distribution of the Money that was delivered out of the Paper Currency Office in the Year 1734 to Mr. William Rumsey, one of the Justices of the said County, for Payment to each Taxable for Burning Tobacco, as directed by the Paper Currency Act, and inform this House what Part of the said Money was distributed according to the said Act, and what Part thereof remained in the Hands of the said William Rumsey undisposed at the Time of his Death, or in the Hands p. 184 of any other Person; and that they do transmit a Representation thereof to the Lower House of Assembly at the next Session.

The House adjourns till 2 of the Clock Afternoon.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Edward Dorsey hath Leave of Absence.

Mr. Wilson brings in and delivers to Mr. Speaker, an Ingrossed Bill, entituled, An Act to Repeal Part of an Act, entituled, An Act Repealing Part of an Act laying an Imposition on Negroes, and several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province; and to lay a Duty upon Rum, Spirits, Wine and Brandy, imported into this Province from Pennsylvania, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex; which was Read and Assented to, and sent to the Upper House, with the Paper Bill thereof, by Mr. Govane and Mr. Worthington.

Col. Henry, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for the Relief and Release of poor distressed Prisoners for Debt; Indorsed, "By the Upper House of Assembly, 3.^{d} May, 1758. Read the first time and Ordered to lie on the Table," and thus "By the Upper House of Assembly 6th May, 1758. Read the second Time, and will not pass.

Signed & Order, J. Ross, Cl. Up. Ho."

Col. Lloyd, from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for Raising Two Pence Sterling for every Hogshead of Tobacco exported out of this Province, for Payment of an Agent in Great-Britain, for the Service of this Province; Indorsed, "By the Upper House of Assembly, 6th May, 1758. Read the first and second Time by especial Order, and will not pass.

Signed ꝑ Order, J. Ross, Cl. Up. Ho."

The Bill, entituled, A Supplementary Act to the Act, entituled, An Act for Granting a Supply of £40,000 for his Majesty's Service, &c.

L. H. J. Liber No. 50 May 6 was Read, and with the Amendments proposed by the Upper House, passed for Ingrossing.

The House adjourns till Monday Morning at 8 of the Clock.

May 8 p. 185

Monday, May 8, 1758.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Edward Dorsey. The Proceedings were Read.

An Ingrossed Bill, entituled, A Supplementary Act to the Act, entituled, An Act for Granting a Supply of £40,000 was Read and Assented to, and sent to the Upper House, with the Paper Bill thereof, by Mr. Gassaway and Mr. Owings.

On Reading the second Time the Resolves prepared to be Entered on the Journal, as the Resolves of this House, the Question was put, That the following be made and entered as the Resolve of this House, viz.

Resolved, That no Person is Punishable for obstinately Refusing to appear and serve in Arms for the necessary Defence of this Province, by Virtue of that Clause of the Act for Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof (admitting it were in Force) which vests a Power in the Justices of the Provincial Court to fine and imprison, after a Procedure according to the due Course of Law, and Conviction of such obstinate Refusal and Disobedience as aforesaid, except upon a Foreign Invasion.

For the Affirmative,

Reeder,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
Hanson,
M. Tilghman,
Edmondson,
Oldham,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco. [30]

For the Negative,

Sothoron,
E. Gantt,
Waggaman,
Wilson,
Dulany,
Handy,
Harris,
Chapline,
Beatty. [9]

L. H. J.
Liber No. 50
May 8
p. 186

The Question was put, That the following be made and entered as the Resolve of this House, viz.

Resolved, That agreeable to a reasonable Construction of the said Act, there was not a Foreign Invasion of this Province in December last, when his Excellency the Governor, with the Advice of his Council, ordered the Companies of Militia of Queen-Anne's and Kent Counties to march to the Western Frontier, nor was there one when the Companies were ordered out from Calvert and Cæcil Counties in March last.

Resolved in the Affirmative.

For the Affirmative,

Reeder,
Sothoron,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Beatty.
[31]

For the Negative,

Waggaman,
Wilson,
Edmondson,
Oldham,
Dulany,
Handy,
Harris,
Chapline.
[8]

The Question was put, That the following be made and entered as the Resolve of this House, viz.

Resolved, That the marching the said Militia of Queen-Anne's and Kent Counties, was not only Illegal, but not Necessary for the Security of the Western Frontier of this Province; and however promising the Aspect might be at the Time of issuing the Orders for their March, yet, as in the ordinary Course of the Seasons, Storms and the most severe Weather could not but be then expected, it was Oppressive and Cruel; and the Impressing Provisions for those Companies, in those Counties so far distant from the Frontier, was Inconvenient and unnecessarily Expensive.

Resolved in the Affirmative.

For the Affirmative,

Reeder,
Sothoron,
Williamson,
M. Tilghman,
Sulivane,
Lecompte,
Woodward,
Murdock,
Fraser,

L. H. J. Liber No. 50 May 8

Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Beatty.
[31]

p. 187

For the Negative,

Waggaman,
Wilson,
Edmondson,
Oldham,
Dulany,
Harris,
Chapline.
[7]

The Question was put, That the following be made and entered as a Resolve of this House, viz.

Resolved, That upon a Foreign Invasion (supposing there is not any Act of Assembly to Compel them) every loyal Subject in this Province, who is capable (or as many as may be necessary) ought, and it is the Opinion of this House would, take up Arms, with the Approbation and Consent of the Governor or Commander in Chief of the Province for the Time being, for the necessary Defence thereof; but that no Person is Compellable to serve in Arms after such Invasion is suppressed.

Resolved in the Affirmative.

For the Affirmative,

Reeder,
Sothoron,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Oldham,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
Beatty.
[33]

For the Negative,

Waggaman,
Wilson,
Edmondson,
Dulany,
Handy,
Harris.
[6]

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

The Question was put, That the following be made and entered as the Resolve of this House, viz.

L. H. J.
Liber No. 50
May 8

Resolved, That the Governor of this Province setting up an Authority under the Act aforesaid, with the Advice of his Council, to march the good People of this Province to the Frontiers thereof, whenever he and they may be apprehensive of a foreign Invasion, is not warranted by the said Act; and that if such a Power should be exercised, the People might be Enslaved, by being Marched as often to, and Compelled to remain as long on, the Frontiers, as the Governor and his Council might think fit, while their helpless Families were perishing at home.

Resolved in the Affirmative.

For the Affirmative, p. 188

Reeder,
Sothoron,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Chapline.
[31]

For the Negative,

Waggaman,
Wilson,
Edmondson,
Oldham,
Dulany,
Handy,
Harris,
Beatty.
[8]

The Question was put, That the following be made and entered as the Resolve of this House, viz.

Resolved, That that Part of his Excellency's Message of the 5th Instant, which is in the following Words, " Should the Issue of this Session be such as I most earnestly hope it will, I shall immediately Countermand the Orders that have been sent to Captain Brome and to the Captain of a Company of Militia in Cæcil County; but if you should unhappily break up again, without making Provision for the Support of any Troops, either to act under the Command of Brigadier Forbes, or to be left on our Frontiers, I apprehend the Gentlemen of the Council will think it absolutely necessary that Two or Three Companies of Militia should immediately, &c." seems to be calculated to intimidate and influence the Representatives of the People to agree to a Bill for making Provision for his Majesty's Service, and the Defence and Security of this Province, upon a Mode of Taxation unreasonable, unequal, and grievous to his Majesty's faithful Sub-

L. H. J.
Liber No. 50
May 8

jects, and which must, in the End, be destructive of their common Interest.

Resolved in the Affirmative.

For the Affirmative,

Reeder,
Sothoron,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
Beatty.
[32]

For the Negative,

Waggaman,
Wilson,
Oldham,
Dulany,
Edmondson,
Handy,
Harris.
[7]

The Question was put, That the following be made and entered as the Resolve of this House, viz.

Resolved, That the said Part of his Excellency's Message, so far as it was intended to serve the Purpose abovementioned, appears to be a Violation of the Liberty and Freedom that ought to be preserved in all the Proceedings and Determinations of this House.

Resolved in the Affirmative.

p. 189

For the Affirmative,

Reeder,
Sothoron,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
J. H. Dorsey,
Cockey Deye.
Owings,
Hyland,
Earle,
Baker,
Ward,
Murdock,
Woodward,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Harris,
Chapline,
Beatty.
[33]

For the Negative,

Waggaman,
Wilson,
Edmondson,
Oldham,
Dulany,
Handy.
[6]

In Pursuance of the Resolutions of the aforegoing Questions, Ordered, That the following be entered on the Journal as the Resolves of this House, viz. L. H. J. Liber No. 50 May 8

Resolved Unanimously, That it is the undoubted Right and indispensable Duty, of the Representatives of the Freemen of this Province in Assembly convened, to enquire into, represent, and remonstrate against, every Measure in the Administration, or Exercise of the Executive Powers of Government, within this Province, which, in their Opinion, may tend to affect the Lives, Liberties, or Properties of the People, in any Manner not clearly warranted by the known Laws or Customs thereof.

Resolved, That no Person is Punishable for obstinately refusing to appear and serve in Arms for the necessary Defence of this Province, by Virtue of that Clause of the Act for the Ordering and Regulating the Militia of this Province, for the better Defence and Security thereof, (admitting it were in Force) which vests a Power in the Justices of the Provincial Court to Fine and Imprison, after a Procedure according to the due Course of Law, and Conviction of such obstinate Refusal and Disobedience as aforesaid, except upon a foreign Invasion.

Resolved, That agreeable to a reasonable Construction of the said Act, there was not a foreign Invasion of this Province in December last, when his Excellency the Governor, with the Advice of his Council, Ordered the Companies of Militia of Queen-Anne's and Kent Counties to march to the Western Frontier; nor was there one when the Companies were Ordered out from Calvert and Cæcil Counties in March last.

Resolved, That the marching the said Militia of Queen-Anne's and Kent Counties, was not only Illegal, but not Necessary for the p. 190 Security of the Western Frontier of this Province; and however promising the Aspect might be at the Time of issuing the Orders for their March, yet, as in the ordinary Course of the Seasons, Storms and the most severe Weather could not but be then expected, it was Oppressive and Cruel; and the Impressing Provisions for those Companies, in those Counties so far distant from the Frontier, was Inconvenient and unnecessarily Expensive.

Resolved, That upon a Foreign Invasion (supposing there is not any Act of Assembly to Compel them) every loyal Subject in this Province, who is capable (or as many as may be necessary) ought, and it is the Opinion of this House would, take up Arms, with the Approtion and Consent of the Governor or Commander in Chief of the Province for the Time being, for the necessary Defence thereof; but that no Person is Compellable to serve in Arms after such Invasion is suppressed.

L. H. J. Liber No. 50 May 8 Resolved, That the Governor of this Province setting up an Authority under the Act aforesaid, with the Advice of his Council, to march the good People of this Province to the Frontiers thereof, whenever he and they may be apprehensive of a foreign Invasion, is not warranted by the said Act; and that if such a Power should be exercised, the People might be Enslaved, by being Marched as often to, and Compelled to remain as long on, the Frontiers, as the Governor and his Council might think fit, while their helpless Families were perishing at home.

Resolved, That that Part of his Excellency's Message of the 5th Instant, which is in the following Words, " Should the Issue of this Session be such as I most earnestly hope it will, I shall immediately Countermand the Orders that have been sent to Captain Brome and to the Captain of a Company of Militia in Cæcil County; but if you should unhappily break up again, without making Provision for the Support of any Troops, either to act under the Command of Brigadier Forbes, or to be left on our Frontiers, I apprehend the Gentlemen of the Council will think it absolutely necessary that Two or Three Companies of Militia should immediately, &c." seems to be calculated to intimidate and influence the Representatives of the People to agree to a Bill for making Provision for his Majesty's Service, and the Defence and Security of this Province, upon a Mode of Taxation unreasonable, unequal, and grievous to his Majesty's faithful Subjects, and which must, in the End, be destructive of their common Interest.

p. 191 Resolved, That the said Part of his Excellency's Message, so far as it was intended to serve the Purpose abovementioned, appears to be a Violation of the Liberty and Freedom that ought to be preserved in all the Proceedings and Determinations of this House.

Mr. Goldsborough appeared in the House.

Mr. Dulany brings in and delivers to Mr. Speaker, the following Report viz.

[This report is printed in full in Upper House Journal, pp. 524-529.]

p. 196 N. B. Meverel Lock, Sheriff of St. Mary's County, paid since the Closing the Books, £14..0..0.

Your Committee further Report, that by the Act, entituled, An Act for emitting and making Current the Sum of £90,000 Current Money of Maryland, in Bills of Credit, the Commissioners are impowered to lend, etc.

[This report with accompanying letter is printed in full in Upper House Journal, pp. 533-534.]

And the following Report, N.° 2

p. 204 At a Committee of both Houses of Assembly, appointed to Inspect the Office and Proceedings of the Commissioners, etc.

[This report is printed in full in Upper House Journal, pp. 535-537.] L. H. J. Liber No. 50 May 8

All which is submitted to the Consideration of both Houses of Assembly, this 8th Day of May, 1758. p. 207

Samuel Chamberlaine,
Walter Dulany,
Michael Earle,
Robert Lloyd,
John Bracco,
Alexander Williamson,
John Hanson,
Matthew Tilghman,
Brice T. B. Worthington.

Which were severally Read and Ordered to lie on the Table. p. 208

The House adjourns till the Morrow Morning at 8 of the Clock.

Tuesday, May 9, 1758. May 9

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. John Hammond Dorsey and Mr. Waggaman have Leave of Absence.

On Reading the second Time the Report, N.° 1, from the Committee appointed to enquire into the Accounts and Proceedings of the Commissioners or Trustees of the Paper Currency Office, &c. the House concurs therewith.

On Reading the second Time the Report, N.° 2 from the Committee appointed to enquire into the Accounts and Proceedings of the Commissioners or Trustees of the Paper Currency Office, &c. the House concurs therewith.

On Motion, Ordered, That an Address be prepared to his Excellency the Governor, relative to the Reports from the Committee appointed to enquire into the Accounts and Proceedings of the Commissioners or Trustees for the Paper Currency Office, &c. and, That Mr. Dulany, Mr. Earle, Mr. Lloyd, Mr. Bracco, Mr. Williamson, Mr. Hanson, Mr. Matthew Tilghman, and Mr. Worthington, do prepare and bring in an Address accordingly.

Mr. Dulany brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor; which was Read, Approved, and ordered to be Ingrossed.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

On Reading the second Time the Resolves drawn up, and brought in for mature Consideration of the House, the Question was put, That the following Resolve, viz.

L. H. J. Liber No. 50 May 9 Resolved, That this House has done what was incumbent on them, as faithful and loyal Subjects, towards making a Grant for his Majesty's Service, and the Defence and Security of this Province; and though their Endeavours for those important Purposes have been frustrated by the Non-Concurrence of the Upper House, they are conscious the deplorable Circumstances which this unhappy Province p. 209 may probably labour under, through Want of such a Grant, cannot be imputed to them. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
M. Tilghman,
Sulivane,
Lecompte,
Govane,
Cockey Deye,
Owings,
Hyland,
Earle,
Baker,
Ward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Beatty. [28]

For the Negative,

Sothoron,
Waggaman,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Dulany,
Woodward,
Chapline. [9]

On Motion, Ordered, That the following be entered on the Journal as the Resolves of this House, viz.

The House taking into Consideration the Message of the Upper House of the 4th Instant relative to the Supply Bill, and it appearing to them that the Acrimony and Spirit of Abuse manifested therein, has left no Room to hope that a good End can be obtained by any Mode of Procedure this House can devise, relative to the Bill sent up for his Majesty's Service; and the Defence and Security of this Province; and as that House have in that Message, laid down Positions tending to destroy the ancient and undoubted Rights and Privileges of this House, and have assumed Powers that do not Constitutionally or Reasonably Belong to them, 'tis therefore thought necessary to enter into such Resolves as the Shortness of Time will allow, in Vindication of the Conduct and Support of the Rights and Privileges of this House against the unjust Attempts of the Upper House, lest their Silence should be hereafter construed to their Disadvantage, and looked upon as an implied Acknowledgment of those Powers.

Resolved, That the Words objected to by the Upper House in the Preamble of the Bill, are agreeable to Expressions in Grants of Aids for his Majesty's Service by the Commons of England; and this House is the more confirmed in the Propriety of those Words, by the following Arguments in a Conference with the Lords, which are entered in the History of the Proceedings of the Commons, viz. That in the famous Record, called the Indemnity of the Lords and Commons, settled by the King, Lords, and Commons, on a most solemn Debate in 9 Hen. 4, it is declared, That all Grants and Aids are made by the Commons, and only assented to by the Lords. L. H. J. Liber No. 50 May 9

That the modern Practice is to omit the Lords out of the Granting, and name them Parties only to the Enacting, Clause of Aids granted to the Crown, to which their Lordships have always concurred, and on Conferences departed from their Attempts of Petty Alterations, in Acts relating thereunto. p. 210

Resolved, That although this House, considering the Exigencies of Affairs, may at Times have made Concessions in particular Instances, to the unreasonable Demands or Desires of the Upper House, derogatory to their own Rights; yet they have always insisted upon, and now think it absolutely necessary to repeat, in Confirmation of their Rights, what is entered among the Proceedings of the House of Commons at home, to assert their Rights, viz. That all Aids and Supplies granted to his Majesty in Parliament, are the sole Gift of the Commons: That all Bills for the Granting any such Aids and Supplies ought to begin with the Commons: And that it is the undoubted and sole Right of the Commons, to direct, limit and appoint in such Bills, the Ends, Purposes, Considerations, Conditions, Limitations and Qualifications of such Grants, which ought not to be changed by the House of Lords.

Resolved, That the Right of Nomination of Commissioners in all Bills of this Nature, being constantly exercised by the House of Commons, does of Course vest in this House; it being the undoubted Right of the People of this Province, as far as is consistent with their Circumstances and dependent State, freely to exercise and enjoy every Liberty and Privilege that his Majesty's Subjects in Great-Britain have, either by themselves or their Representatives, a Right to exercise and enjoy, according to the Laws and Constitution of the Realm.

Resolved, That as a Double Tax on Papists and other Non-Jurors is constantly imposed by the Land-Tax Acts in the Mother Country, this House think themselves sufficiently justified in imposing it here; and that considering the many valuable Possessions both of Lands and Negroes held by Societies of Popish Priests and Jesuits, living together in a Collegiate Manner, and the Number of Papists and other Non-Jurors residing in this Province, and the Danger arising from their known Principles, which are incompatible with, and destructive to, all Protestant Establishments, it is thought but common Prudence to distinguish their Disaffection by some public Discouragement. p. 211

L. H. J. Liber No. 50 May 9

Resolved, That tho' there may have been some Petitions of Claimants upon the Public (which do not at present occur to this House) preferred to the Upper House in the first Instance; tho' some Allowances may have been made and insisted upon by the Upper House, which this House had not considered, or had rejected, and tho' some Claims may have been inserted in the Journal of Accounts, which this House had not considered, or had before disallowed; yet it has been the constant and uninterrupted Usage, for the Claims of almost every Public Creditor to be laid before this House in the first Instance, and to be adjusted and allowed, or rejected, by it; tho' still the Upper House have had a Negative on the Journal of Accounts, in which Allowances were made for those Claims, and that Power this House did not intend to deprive them of (whatever may be their real Right) in the Case of the £2500 appropriated by the Bill, but to allow them a Negative, as they would have had on the Journal had Allowances for those Expences been made therein; and that the most material Claims against the Public in the first Instance preferred to the Upper House, have been of such a Nature as would not have been made against the Public but through that House, and which this House have thought it the Heighth of Injustice to burthen the Public with, and therefore have rejected Time after Time, till they have disappeared.

Resolved, That in all Grants of Aid for his Majesty's Service, and the Defence and Security of this Province, it is just and reasonable that the Lord Proprietary, who is more nearly and immediately interested than almost any of his Tenants, should bear at least an equal Proportion with them of the Taxes necessarily imposed for those Purposes; and that if his Lordship should desire (which we cannot suppose) to be totally exempted from the Payment of a Tax upon so large a Part of his Revenue as his Quit-Rents, it would discover an Inclination to oppress his Tenants, by loading them with that Expence which he himself ought to bear for the Security of his own Property, and betray a Want of Zeal and Loyalty to his most Gracious Sovereign, by not chearfully contributing with the Rest of his Subjects, towards the Defence and Support of his just Rights against the Encroachments of his most inveterate Enemy.

p. 212 Resolved, That a Tax similar to that imposed by the Bill upon Lucrative Offices, Employments, and Benefices, is commonly imposed in England; and it is the more reasonable and just here, as so large a Proportion of the Produce of the People's Labour is given by Law to the Maintainance and Support of the Officers and Clergy.

Resolved, That holding Judicial and Lucrative Offices within this Government by the Supreme Magistrate thereof, this House apprehends is Unconstitutional; but that while he does hold them, it is Reasonable he should be Taxed on the Incomes thereof, in the same Proportion as other Officers are proposed to be Taxed.

L. H. J. Liber No. 50 May 9

Resolved, That this House in their Message of the 27th April last, by the Words, "We hope every Mode of Proceeding, which has been made Use of between the Two Houses on similar Occasions, will be pursued on this, for bringing about the Passage of a Bill of so great Importance," plainly shewed their Willingness to proceed by a Conference with that House, had they proposed one, as they did in the Case of the Bill for Granting £40,000 in 1756.

Resolved, That this House has done what was incumbent on them, as faithful and loyal Subjects, towards making a Grant for his Majesty's Service, and the Defence and Security of this Province; and though their Endeavours for those important Purposes have been frustrated by the Non-Concurrence of the Upper House, they are conscious the deplorable Circumstances which this unhappy Province may probably labour under, through Want of such a Grant, cannot be imputed to them.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz.

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

The Clerk of this House is ordered to lay before your Excellency, a Copy of the Reports of the Committee of both Houses appointed to Inspect the Office and Proceedings of the Commissioners or Trustees of the Loan-Office, by which you'll be pleased to observe, that the above Commissioners have failed in sundry Points of their Duty, and several Officers have been deficient, as well with Regard to the Payment of Monies into the Office, as in many other Respects. 'Tis needless to urge to your Excellency how much the Public Credit must suffer by such Neglects and Omissions: We must therefore beg Leave to trouble your Excellency with a Request, that you'll be pleased to direct that the Bonds of all Officers mentioned in the Reports, be forthwith put in Suit, except in the Case of the Sheriff of Queen-Anne's County who, it appears to this House, has complied with his Duty since the Report was made; and any other where your Excellency may have good Reason to believe there may be a speedy Compliance. p. 213

We must particularly desire, that those Officers who have neglected their Duty during the whole Time of their Continuing in Office, and many who to this Time have delayed to account and make their Payments, may be treated with that Rigour which they justly deserve; and hope all the Officers of this Government will be informed, that a strict Compliance with their Duty is expected.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

L. H. J. Liber No. 50 May 9 Ordered, That Mr. Matthew Tilghman and Mr. Wilson do acquaint the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address in Half an Hour's Time in the Conference Chamber.

Ordered, That Mr. Carroll, with Three more, do present the Address.

On Motion, Ordered, That the Clerk of this House do deliver to his Excellency the Governor, Copies of the Reports from the Committee appointed to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office.

On Motion, The Question was put, That the Bill, entituled, An Act for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, prepared in (and sent from) the Upper House to this House, be Read the second Time. Resolved in the Negative.

For the Affirmative,

p. 214 Waggaman,
Wilson,
Sulivane,
Cockey Deye,
Dulany.
[7]

For the Negative,

Reeder,
Sothoron,
Williamson,
Hynson,
Hammond,
Gassaway,
Carroll,
Worthington,
E. Gantt,
Hanson,
Goldsborough,
M. Tilghman,
Edmondson,
Oldham,
Lecompte,
Govane,
Owings,
Hyland,
Earle,
Baker,
Ward,
Woodward,
Murdock,
Fraser,
T. Gantt,
King,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
Beatty.
[31]

On Motion, Ordered, That the Resolves made Yesterday, and entered on the Journal, relative to the Militia of this Province, be forthwith Printed in the Gazette by Mr. Jonas Green, Printer. [Printed in the *Maryland Gazette,* Annapolis, June 1, 1758, p. 1.]

By the Lower House of Assembly, 9th May, 1758.

May it please your Honours,

When we received the Bill you sent us the 19th of last Month, for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, which we now return you without suffering it to be Read a second Time, we had had some Time under our

Consideration the Bill, entituled, An Act for Reducing the Allowances of the Councillors, Deputies and Delegates, that shall serve in the General Assembly, the Judges of the Court of Appeals, and the Commissioners of the Provincial and County Courts of this Province, for ascertaining the Allowances of the Clerks and other Officers of both Houses of Assembly, and securing the Independency of the said Deputies and Delegates, and other Purposes therein mentioned.

L. H. J.
Liber No. 50
May 9

We did not think proper to lay by our Bill, which you might see by the Title was so much better calculated for the good Purposes, to make Way for yours; and therefore sent it up to your Honours: But we think ourselves obliged now, in order to put a Stop to your sending down to this House any more Bills relative to the imposing or altering Taxes, to let you know, that if any such shall hereafter be sent to us, they shall be rejected upon a View of the Title, as it is the undoubted Right of this House, that all Bills any Way relative to Taxes should take their Rise here.

Signed ℘ Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House, with the Bill for Reducing the Allowances of the Members of the Upper and Lower Houses of Assembly, by Alexander Williamson, Esq; and Mr. Cockey Deye. p. 215

Col. Henry, from the Upper House, delivers to Mr. Speaker, the Paper Bills, of which the Ingrossed Bills were severally Read and Assented to by both Houses; which Paper Bills were severally thus Indorsed, viz. "By the Upper House of Assembly, May 9th, 1758. The Ingrossed Bill, whereof this is the Original, is Read and Assented to.

Signed ℘ Order, J. Ross, Cl. Up. Ho.

Ordered, That Mr. Carroll and Mr. Edmondson do acquaint his Excellency the Governor, that no Public Business lies now before this House to transact.

His Excellency the Governor communicated to Mr. Speaker, the following Message, viz.

Gentlemen of the Lower House of Assembly,

I Am not a little surprized at your desiring me to put an End to this Session, when it does not appear by any of the Bills which are now lying before me, that you have made any Provision for raising a Number of Men in this Government, to act in Conjunction with such other Forces as are to be employed this Summer under the Command of Brigadier Forbes, or even for the Support of the Five Companies that have been heretofore raised in this Government for his Majesty's Service, and the more immediate Defence and Protection of our Frontier Inhabitants. I must take the Liberty, Gentlemen, to remind you of the Promises you made at the Opening of

L. H. J. Liber No. 50 May 9 this Session, and of the Hopes you were pleased to give me by your Address of the 17th of April, that you would not disappoint the Officers and Soldiers who are now on our Frontiers in their reasonable Expectations; but that you would grant a Sum of Money at this Time to pay off the Arrears that are due to them, and to Support them at least till the End of the ensuing Campaign. I would have you consider seriously what a Light your Conduct must appear in to his Majesty and to the World, should you alone, of all his Subjects, decline to contribute to the Execution of the Plan that has been laid for the Security of these Colonies; and what Inconveniencies many of your Constituents may be put to, by being obliged to March as Militia to the Assistance of the Frontier Inhabitants, in Case a suffi- p. 216 cient Number of Soldiers are not kept up at the Expence of this Province for their Security and Protection. And if you are really desirous of a Place among his Majesty's dutiful and loyal Subjects, or if you have any Regard for the Ease, Welfare and Security of the People you Represent, you will not, I hope, desire to be dismissed before you have complied with his Majesty's Pleasure, signified to us by the Secretary of State's Letter.

Hor.° Sharpe.

9th of May, 1758.

On Reading the second Time the said Message, Resolved, That an Address to his Excellency be prepared, in Answer thereto.

Ordered, That Col. Tilghman, Mr. Matthew Tilghman, Mr. Murdock, Mr. Hammond, and Mr. Carroll, do prepare and bring in such Address.

The House adjourns till the Morrow Morning at 8 of the Clock.

May 10

Wednesday, May 10, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. John Hammond Dorsey, Major Handy, and Mr. Harris. The Proceedings were Read.

Mr. Murdock brings in and delivers to Mr. Speaker, an Address to his Excellency the Governor; which was Read, and ordered to lie on the Table.

On Reading the second Time the said Address, the Question was put, That the House do approve thereof. Resolved in the Affirmative.

For the Affirmative,

Reeder,
Williamson,
Hynson,
Hammond,

M. Tilghman,
Sulivane,
Lecompte,
Govane,

Murdock,
Fraser,
T. Gantt,
King,

L. H. J.
Liber No. 50
May 10

Gassaway,
Carroll,
Worthington,
J. J. Mackall,
E. Gantt,
Hanson,
Cockey Deye.
Owings,
Hyland,
Earle,
Baker,
Ward,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
Beatty.
29

For the Negative,

Sothoron,
Wilson,
Goldsborough,
Edmondson,
Oldham,
Dulany.
6

On Resolution of the aforegoing Question, the said Address was Indorsed, "Read, Approved, and Ordered to be Ingrossed."

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Carroll brings in and delivers to Mr. Speaker, the following Ingrossed Address, viz. p. 217

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland:

The humble Address of the House of Delegates.

May it please your Excellency,

We can truly say your Surprize cannot be greater, than our Concern, for the Necessity we are under of desiring an End may be put to this Session, when it does not appear by any of the Bills which are laying before you, that we have made any Provision for Raising a Number of Troops for his Majesty's Service, or even Supporting any Part of those already raised for that Purpose, and the more immediate Defence and Security of the Frontier Inhabitants.

Tho' we have Reason to believe, from some of your Excellency's Messages to the Lower House in former Sessions relative to Money-Bills (which have been only Framing in this House at the Time) that you are well apprized of what has passed between the Two Houses this Session upon a Bill for Granting a Sum of Money for the Uses abovementioned, yet, as your Excellency is pleased to express an Unacquaintance with our Proceedings thereupon, we think proper to inform you, that we early in this Session sent to the Upper House a Bill for Granting an Aid of £45,000 wherein Provision was made, not only for the Levying, Cloathing and Paying 1000 Men, Officers included, to act in Conjunction with a Body of his Majesty's British Forces under the Supreme Command of Brigadier Forbes, or other Person duly authorized, in such offensive Operations as shall be judged by him most expedient for annoying the Enemy, and most efficacious towards removing and repelling the Dangers that threaten the Frontiers of the Southern Colonies, but also for the Pay and Subsistence of so many of the Five Hundred Men, taken into

L. H. J. Liber No. 50 May 10 the Pay of this Province by Virtue of an Act, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, as should appear to have been employed in the Service of this Province, until the End of this Session of Assembly, by Muster-Rolls to be returned upon Oath to the Agents therein after appointed, from the Time the Money appropriated by the said Act, for those Purposes, was p. 218 expended, until the Expiration of Ten Days after the passing that Bill into a Law, and to the Pay, the Subsistence, Cloathing, and all other Charges whatsoever attending the Supporting of Two Hundred Men, Officers included, to be stationed at Fort Frederick, and to act as Rangers for the more immediate Defence, Protection and Quiet of the Frontier Inhabitants, and supported till the 13th Day of September next.

£2500 was appropriated by that Bill to the discharging the Claims of such Persons as had been burthened with the Expence of Quartering those of his Majesty's Troops which were ordered into this Province for Winter Quarters.

£2000 was appropriated by the same Bill for Cultivating the Friendship and Engaging the Assistance of the Southern Tribes of Indians, and Establishing them in the British Interest.

The unalterable Adherence of the Upper House to their Objections against the most material Points in that Bill, which is founded upon Principles the most reasonable and equitable, and their declining to proceed in a Mode lately under use of between the Two Houses on a similar Occasion, notwithstanding we have conceded so far as to declare to them our Willingness thereto, leaves us not the least Room to hope, that any one good End can be obtained from our remaining any longer here at this Time, unless we could be induced to believe, that the Gentlemen of the Upper House would recede from their Resolutions.

We have most seriously considered the Light our Conduct will stand in before his Majesty and the World, when fairly and candidly represented; and we cannot but express our Concern, that your Excellency should say, "we alone, of all his Majesty's Subjects, decline to contribute to the Execution of the Plan that has been laid for the Security of these Colonies," when you must be convinced of our repeated sincere Endeavours for Supporting the Common Cause against his Majesty's Enemies, however unfortunately they may have been rendered ineffectual.

Any Inconveniencies our Constituents may undergo, by being obliged to march to the Assistance of the Frontier Inhabitants, who may be exposed for want of that Protection which this House has endeavoured to afford them, we hope they will, however disagreeable, p. 219 submit to, provided it be agreeable to a reasonable Construction of the Militia-Law, supposing it to be in Force; and we must express our Hopes, that unless in Cases in which that Law, if it were in Force, would compel them, they will not be marched any where. L. H. J. Liber No. 50 May 10

That we are most sincerely desirous of a Place among his Majesty's dutiful and loyal Subjects, we are well satisfied all our Proceedings will evince; and that we would most willingly point out the very considerable Number that we apprehend there is in this Province who are not.

That we have the Ease, Welfare and Security of the People we represent, most warmly at Heart, we are well assured they must be convinced, from our Steadiness (against the strongest Opposition) in endeavouring to make necessary Provision for their Defence, Protection and Quiet, in a Mode most just, most equitable, and least burthensome, to their common Interest: And since there is not the least Probability that our most hearty Wishes and Endeavours for that Purpose, can, at this Time, have their desired Effect, nothing remains on our Parts to be done, but to trouble your Excellency with a Repetition of our Request, to return to our private Concerns, since no good End can be obtained by our longer Attendance at present upon our Public Duty.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. Lloyd and Mr. James John Mackall do acquaint his Excellency the Governor, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will please to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address in Half an Hour's Time in the Conference Chamber.

Ordered, That Mr. Govane, with Three more, do present the Address.

By the Upper House of Assembly, May 10, 1758.

Gentlemen,

As we are extremely anxious to bring about the Passage of a Bill, to answer the important Purposes which occasioned our Meeting at this Time, and as you give us some Room to hope, in your Message communicated to us by his Excellency the Governor, that you are p. 220 inclined to agree to a general and free Conference with us upon the whole Bill, we are willing to observe, and do propose, this Course to bring about an Agreement between the Two Houses, upon which the Honour and Credit of the Province, and the Ease and Tranquility of the People, particularly at this Crisis, so much depend. If therefore, Gentlemen, you'll agree to this Proposition, name your Conferees, and acquaint us therewith, we will without Delay name ours.

Signed ℘ Order, J. Ross, Cl. Up. Ho.

The House adjourns till the Morrow Morning at 8 of the Clock.

L. H. J.
Liber No. 50
May 11

Thursday, May 11, 1758.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Major Waggaman. The Proceedings were Read.

Mr. Thomas Gantt being sick, hath Leave to go home.

Mr. King hath Leave of Absence.

Mr. Plater appeared in the House.

On Motion, Ordered, That a Message be prepared and sent to the Upper House, in Answer to a Message sent from that House Yesterday by Samuel Chamberlaine, Esq;

Mr. Murdock brings in and delivers to Mr. Speaker, the following Message, viz.

By the Lower House of Assembly, May 11, 1758.

May it please your Honours,

We cannot find by our Address of Yesterday to his Excellency, or by any Message from this House to your Honours, that we have given you any Room to hope, that we were inclined to agree to a general and free Conference with you on the whole Bill, as you proposed by your Message of Yesterday. This, we apprehend, to be inconsistent with our Rights, and it was always far from our Intention; and therefore we cannot accept your Proposal. However, that nothing may be wanting on our Part that can be reasonably desired p. 221 of us, and that we may further manifest the earnest Desires we have so often repeated, to promote, to the utmost of our Power, every Thing that might contribute, at this important Crisis, to bring about the Passage of a Bill, on which the Honour and Credit of the Province, and the Safety and Tranquility of the People, so greatly depend, we shall agree to a Conference upon the Subject-Matter of your Objections mentioned in your Message of the 18th of April last, as was done in the Case of the £40,000 Bill: And that no Time may be lost, we have named Colonel Tilghman, Mr. Matthew Tilghman, Mr. Murdock, Mr. Lloyd, Mr. Carroll, and Mr. Edward Dorsey, to join such Members your Honours may be pleased to name for that Purpose.

Signed ꝑ Order, M. Macnemara, Cl. Lo. Ho.

On Reading the said Message the second Time, the Question was put, That the Right of Nomination of Commissioners by the Bill, the Double Tax upon Non-Jurors, who may shew themselves to be disloyal Subjects in refusing to take the Oaths proposed in the Message of this House of the 27th of April last, the Tax upon the Proprietary Estate, and that upon Lucrative Officers and Employments, be excepted out of the Conference. Resolved in the Negative.

L. H. J.
Liber No. 50
May 11

For the Affirmative,

Hammond,
Gassaway,
Goldsborough,
Edmondson,
Oldham,
Lecompte,
Owings,
Fraser,
King. 9

For the Negative,

Reeder,
Plater,
Sothoron,
Williamson,
Hynson,
Carroll,
J. J. Mackall,
E. Gantt,
Hanson,
Wilson,
M. Tilghman,
Sulivane,
Govane,
Cockey Deye,
Hyland,
Earle,
Baker,
Ward,
Dulany,
Woodward,
Murdock,
Lloyd,
E. Tilghman,
Bracco,
Chapline,
Beatty. 26

The aforegoing Message was sent to the Upper House by Colonel Tilghman and Mr. Carroll.

Mr. Hammond hath Leave to be absent till To-morrow Morning.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Daniel Dulany, Esq; from the Upper House, delivers to Mr. Speaker, the following Message, viz. p. 222

By the Upper House of Assembly, May 11, 1758.

Gentlemen,

We have named Colonel Benjamin Tasker, Colonel Robert Jenckins Henry, and Daniel Dulany, Esq; to join the Gentlemen, appointed by your House, in a Conference upon the several Matters contained in our Message of the 18th of April last, who will be ready to attend immediately.

Signed ꝑ Order, J. Ross, Cl. Up. Ho.

Mr. Lloyd brings in and delivers to Mr. Speaker, the following Report, viz.

The Committee appointed to Examine the Account of the Serjeant at Arms, have, in Pursuance of the Order of the Honourable the Lower House of Assembly, settled the Fees and Charges that have accrued on the Summons issued for, and Letters directed to be sent to, the absent Members, to attend the Public Business at the Opening of this Session, in the following Manner, viz.

For the Expence of a Messenger to Kent-Island, and serving a Summons on Mr. Emory Sudler, to attend the Public Business, ...	0	7	6
For the Expence of a Messenger to go to Kent County, and serving Summons on Mr. Henry Ward, Mr. John Tilden, and Mr. William Rasin, at 15 s. each, ...	2	5	0

L. H. J.
Liber No. 50
May 11

For Ditto, and serving a Summons on Mr. Benton Harris, who was met in Queen-Anne's County,	0	7	6
For serving a Summons on Mr. Samuel Wilson,	0	3	0
Ditto on Mr. Daniel Sulivane,	0	3	0
Ditto on Mr. Philemon Lecompte,	0	3	0
Ditto on Captain Henry Lowes,	0	3	0
Ditto on Mr. Henry Greenfield Sothoron,	0	3	0
For the Expence of a Messenger, with a Letter, to Mr. Benjamin Mackall,	1	7	0
For Ditto to Mr. Philip Hammond,	0	15	0

p. 223 Which is submitted to the Consideration of the Honourable House, by

Robert Lloyd,
William Murdock,
William Hynson.

On Reading the second Time the said Report, the House concurs therewith.

The following Message, viz.

By the Lower House of Assembly, May 11, 1758.

May it please your Honours,

As you do not by your Message of this Afternoon agree to Confer with us on the Terms we proposed in our Message of this Morning, we must repeat, that we are ready to Confer with you upon the Subject-Matter of your Objections, mentioned in your Message of the 18th of April last: To which, if your Honours agree, our Conferees will immediately join the Conferees of your House.

Signed ꝑ Order, M. Macnemara, Cl. Lo. Ho.

Was sent to the Upper House by Mr. Lloyd and Mr. Murdock.

Colonel Tasker, from the Upper House, delivers to Mr. Speaker, the following Message, viz.

By the Upper House of Assembly, May 11, 1758.

Gentlemen,

What we meant by our Proposition to Confer with you upon the several Matters contained in our Message of 18th of April last, we thought was too obvious to admit of the least Doubt; but, since you require a further Explanation, we shall endeavour to give it. In our Message of the 18th April are these Words, viz. "Thus, Gentlemen, we have frankly pointed out, for your Satisfaction, our most material Objections, thinking it unnecessary to enumerate the consequent ones to dependent Clauses, or minutely to consider and remark upon the Stile or Expressions of the Bill."

We are then, Gentlemen, willing to agree to a Conference upon the Matter or Subject-Matter of the Objections we made in our Message of the 18th of April last, and likewise the Matter or Subject-Matter of such Clauses in your Bill, as have a Relation to, or Dependence upon, those Parts of the Bill to which we objected, and also upon the Stile and Expressions of the Bill, so as that any Defects which may appear therein, may be corrected. Upon these Terms, we are willing to Confer with you, and upon none other.

L. H. J.
Liber No. 50
May 11

p. 224

Signed ℘ Order, J. Ross, Cl. Up. Ho.

The House adjourns till the Morrow Morning at 8 of the Clock.

Friday, May 12, 1758.

May 12

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. King. The Proceedings were Read.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment, &c.

Mr. Sudler appeared in the House.

Col. Tilghman from a Conference of both Houses, brings in and delivers to Mr. Speaker, the following Propositions in Writing, viz.

The Conferees of the Upper House propose, That the Justices of the several and respective County Courts be Commissioners within the respective Counties: Or, that a Number to be agreed upon by both Houses, be appointed by the said Justices out of their Number, to execute the Duty of Commissioners: Or, that a Number of Commissioners in each County be agreed upon as aforesaid, one Half to be appointed by the Governor and Council, the other Half to be appointed by the Lower House, saving to each Side the Right of making all just and reasonable Objections to the Persons to be nominated, in Lists to be exchanged on both Sides.

On Reading thereof the second Time, Resolved unanimously, That this House doth not Consent thereto.

The House adjourns till the Morrow Morning at 8 of the Clock.

Saturday, May 13, 1758.

May 13

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Col. Tilghman, from the Conference of both Houses, brings in and delivers to Mr. Speaker, the following Report, viz.

At a Conference appointed by the Honourable the Upper and Lower Houses of Assembly, May the 12th, 1758, and met at the House of Mr. Andrew Buchanan,

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May 13

Were Present,

The Honourable
Benjamin Tasker, junior,
Robert Jenckins Henry,
and
Daniel Dulany,
Esqrs. Members of the Upper House.

Col. Edward Tilghman,
Mr. Matthew Tilghman,
Mr. Robert Lloyd,
Mr. William Murdock,
and
Mr. Charles Carroll,
Members of the Lower House.

Who make Choice of the Honourable Benjamin Tasker, junior, Esq; Chairman; and Basil Dorsey, junior, Clerk.

The Conferees adjourned till Three o'Clock Post-Meridiem, and met according to Adjournment.

[This Conference report of the Committee of the two houses is printed in full in the Upper House Journal, pp. 542-543.]

On Motion, Ordered, That the following be entered on the Journal, as the Resolve of this House, viz.

p. 227 This House taking into Consideration the Proceedings of this Sessions upon the Bill, entituled, An Act for Granting a Supply of £45,000 for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province, and Emitting £35,000 thereof in Bills of Credit, and Raising a Fund for sinking and replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments, and apprehending the same to be Irregular, and not altogether consistent with their Rights, Do Resolve, That being earnestly desirous, at this important Crisis, to do every Thing that could be reasonably expected from them, for his Majesty's Service and their own Security, they have been induced to proceed in a Manner not strictly agreeable to Parliamentary Mode of Proceeding; and that therefore no Irregularity of Proceeding, Concessions, or Consideration whatsoever, had or made in Relation to that Bill, ought hereafter, by any Branch of the Legislature, to be drawn into, or insisted upon, as a Precedent.

Ordered, That Mr. Goldsborough and Mr. Edward Gantt do acquaint his Excellency the Governor, That no Public Business lies now before this House to transact.

Samuel Chamberlaine, Esq; and Col. Edward Lloyd, from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of the Lower House immediately in the Council Chamber.

Mr. Speaker left the Chair, and (with the Rest of the Members
p. 228 of the Lower House) attended his Excellency in the Council Chamber; and presented the following Ingrossed Bills, viz.

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An Ingrossed Bill, entituled, An Act relating to Guardians and Orphans.

An Ingrossed Bill, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, or to utter or tender the same in Payment, knowing them to be such.

An Ingrossed Bill, entituled, An Act to Repeal Part of an Act, entituled, An Act Repealing Part of an Act laying an Imposition on Negroes, and on several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province; and to lay a Duty upon Rum, Spirits, Wine and Brandy, imported into this Province from Pennsylvania, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex.

An Ingrossed Bill, entituled, A Supplementary Act to an Act, entituled, An Act for Granting a Supply of £40,000 for his Majesty's Service, and striking £34015.6 thereof in Bills of Credit, and raising a Fund for sinking the same.

All which his Excellency passed into Laws in the usual Manner; and made the following Speech:

Gentlemen of the Upper and Lower Houses of Assembly,

I have thought fit, with the Advice of his Lordship's Council of State, to Prorogue this Assembly to Monday the 26th Day of June next; and you are to take Notice you are Prorogued to that Day accordingly.

So Endeth this Session of Assembly, this Thirteenth Day of May, in the Eighth Year of his Lordship's Dominion, Annoque Domini 1758.

Test. M. Macnemara, Cl. Lo. Ho.

ACTS OF THE ASSEMBLY PASSED IN MARCH–MAY, 1758

Liber H. S. No. 1 p. 356

At a Session of Assembly begun and held at the City of Annapolis on Tuesday the Twenty-eighth of March in the Seventh Year of the Dominion of the Right Honourable Frederick, Lord Baron of Baltimore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, &c. Annoque Domini 1758 and Ending the Thirteenth day of May following.

The following Laws were Enacted and Assented to by his Excellency Horatio Sharpe Esquire Governor.

No. 1 An Act for Encouragement of a Party of Cherokee Indians, which have been some Time on the Frontiers of this Province; and for Payment of the reasonable Expences of their Interpreter and Conductor.

[Preamble.] Whereas it is represented to this General Assembly, that a Party of upwards of Fifty Indians of the Cherokee Nation, have been, either on the Frontier of this Province ever since November last, or making Excursions for annoying the common Enemy, and that there is another small Party now in the City of Annapolis, offering their Service for the same Purpose: In order therefore to attach those Indians to the British Interest, and encourage them to continue their Excursions against the Enemy, which it is apprehended has always been, and will hereafter be, greatly instrumental towards the Protection and Quiet of the Frontier Inhabitants of this Province;

[300 l. to be laid out in Goods for the Indians.] Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Agents appointed by the Act of Assembly for Granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit, and raising a Fund for sinking the same, do immediately lay out, with the Approbation of his Excellency Horatio Sharpe, Esq; the Sum of Three Hundred Pounds, now in their Hands unexpended, in such Goods as may be judged most proper to be presented to the said Indians.

[Goods how to be disposed of.] And be it further Enacted, That his Excellency Horatio Sharpe, Esq; shall and may deliver such of the said Goods as he shall think proper, to the said Indians now in the City of Annapolis, and the Remainder thereof shall be, by the said Agents, forthwith conveyed to Fort Frederick, and, by the Commanding officer there, presented to the others of the said Indians.

And be it further Enacted, That the said Agents shall pay to William Cromwell, Conductor to the said Party of Indians, the Sum of Thirty-six Pounds Nine Shillings and Nine Pence, for his Care, Trouble, and Expence, in Conducting them from Fort Frederick to Annapolis: And shall pay to Richard Smith the Sum of Twenty Pounds, for his Attendance as Interpreter to all the said Indians, from the Time of their first coming to the Frontiers of this Province: And shall pay unto Catharine Jennings the Sum of Forty Pounds, for the Maintainance of the said Indians, and Expences of the Interpreter and Conductor, since their coming to the City of Annapolis; and the said Agents shall also pay the reasonable Expences of the Return of the said Indians, Interpreter and Conductor, from Annapolis to Fort Frederick. Liber H. S. No. 1 p. 357 [Pay to the Conductor, Interpreter, &c.]

And be it further Enacted, by the Authority aforesaid, That the said Agents shall lay Accounts of all the Monies they shall lay out, pay, and apply, in Virtue of this Act, upon Oath, before the General Assembly of this Province, at the Session next after the same shall be so Paid, Laid out, and Applied, on the Third Day thereof, under the like Penalty as by the aforementioned Act is to be imposed upon them in case of Non-performance of their Duty under the said Act. [Agents to account with the next Assembly.]

31st March 1758
Read and assented to by the Lower house of assembly
Signed ℘ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

31st March 1758
Read and assented to By the Upper house of assembly
Signed ℘ order
JRoss Cl Up Ho

The Great Seal
in Wax append.t

No. 2 An aiding Supplementary Act to an Act, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of St. George's Parish in that County, a Sum of Money for the Uses therein mentioned.

Whereas the Rector and Vestrymen of St. George's Parish in Baltimore County, by their Petition to this General Assembly, have set forth, That the Act, entituled, A Supplementary Act to an Act, entituled, An Act to enable the Justices of Baltimore County Court, to assess and levy on the taxable Inhabitants of St. George's Parish in that County, a Sum of Money for the Uses therein mentioned, made and passed at a Session of Assembly begun and held at the City of Annapolis the Twenty-eighth Day of September, Anno Domini Seventeen Hundred and Fifty-seven, did not come timely to the Justices of the said County, to make the Assessment by the said Act directed to be made on the Inhabitants of the said Parish; [Preamble.] p. 358

Liber H. S. No. 1

whereby the intended Purposes and Benefits of the said Act are unanswered by the same: It is therefore prayed, That it may be Enacted,

[Justices of Baltimore to Levy 275l. in St. George's Parish.]

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Baltimore County Court, at their adjourned March Court to be held on the Eighth Day of May next, shall, and they are hereby directed and impowered to assess and levy on the taxable Inhabitants of St. George's Parish in the said County, the Sum of Two Hundred and Seventy-five Pounds Current Money, being the Sum directed by the above recited Act to be assessed and levied at November Court, Seventeen Hundred and Fifty-seven. And the said Justices, after such Assessment so made, shall, and they are hereby obliged immediately to deliver the same to the Sheriff of Baltimore County, who is by this Act directed and impowered to demand the same within Fifteen Days after the Receipt of such Assessment, and shall then proceed to collect and pay the same this present Year, in the same Manner, to all Intents and Purposes, as if the said Assessment had been made at November Court, Seventeen Hundred and Fifty-seven; any Thing in the said Act, or any other Law, Custom, or Usage, to the contrary in any wise, notwithstanding.

And it being further represented by the Petition of the said Vestry, That at November Court last an Assessment of Ten Pounds of Tobacco per Poll was laid on the taxable Inhabitants of the said Parish, and that the same will not now be wanting for the Use and Purposes intended by the said Assessment:

[Part of 10 per Poll Assessment.]

Be it therefore Enacted, by the Authority aforesaid, That the Sheriff of Baltimore County shall release to and discharge the taxable Inhabitants of the said Parish from Seven Pounds of the said Ten Pounds of Tobacco per Poll, so levied and assessed on them; and the said Sheriff shall be only accountable to the Vestry of the said Parish for the Quantity of Three Pounds of Tobacco per Poll for this present Year, notwithstanding the Assessment of Ten Pounds of Tobacco per Poll made as aforesaid, and demanded by the said Sheriff.

21.st April 1758 Read and assented to By the Lower house of assembly Signed ꝑ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law. Hor.o Sharpe	21.st April 1758 Read and assented to by the Upper House of assembly Signed ꝑ order JRoss Cl Up Ho

The Great Seal
in Wax app.t

No. 3 p. 359 An Act to make it Penal to Forge or Counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent

Liber H. S. No. 1

and Sussex, or to utter or tender the same in Payment within this Province, knowing them to be such.

[Preamble.]

Whereas divers evil-minded Persons have Counterfeited the Bills of Credit of this Province, and have tendered the same in Payments in the neighbouring Province of Pennsylvania: And whereas such Persons may hereafter presume to Forge or Counterfeit the Bills of Credit of the Colony of Virginia, or of the Provinces of Pennsylvania, New-York, East and West Jerseys, and the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, and emit or tender the same in Payments within this Province, to the Prejudice of the good People thereof, and the Credit of the same Currency. In order therefore to prevent the Evils to Society, which may arise from such Practices, it is prayed that it may be Enacted,

[Punishment for Counterfeiting Bills of other Provinces.]

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person or Persons within this Province, shall, after the End of this Session of Assembly, Forge or Counterfeit any Bill or Bills of Credit, appointed to be Current by any Acts of Assembly of the Colony of Virginia, or of the Provinces of Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, or utter or tender the same in Payment within this Province, knowing the same to be such, and be thereof Convict by due Course of Law, shall, for such Offence, be set in the Pillory, and have one of his or her Ears cut off, and suffer Six Months Imprisonment, without Bail or Main-prize.

[Continuation.]

This Act to continue for Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

27.th April 1758
Read and assented to by the Lower house of Assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

The Great Seal in Wax app.t

27.th April 1758
Read and assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

No. 4 An Act relating to Guardians and Orphans.

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[Preamble.]

Whereas Disputes have arisen, and may arise, between Guardians and their Wards in Respect of their Right or Title to Lands, Tenements, or Hereditaments, the Possession whereof the said Guardians have obtained, or may obtain, in Right of their Wards: For Remedy whereof,

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[Orphans at full Age to enter into Lands, &c.]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That when any Ward or Orphan shall attain his or her full Age, it shall and may be lawful for such Ward or Orphan to enter into all Lands, Tenements, or Hereditaments whatsoever, which the Guardian of such Orphan or Ward shall come to the Possession, or receive the Rents, Issues, or Profits, of, under, or by Colour of the Right or Title of such Orphan or Ward, or in Virtue or by Occasion of his or her Guardianship of such Orphan or Ward: And that in Case the Guardian aforesaid, obtaining the Possession, or coming into the Perception of the Rents, Issues, and Profits, in Manner aforesaid, of such Lands, Tenements, or Hereditaments, as aforesaid, shall refuse upon Demand of his Ward or Orphan, under his or her Care (upon the said Ward or Orphan's attaining his or her Age as aforesaid) to yield or give up quiet Possession of the same, such Ward or Orphan shall or may have, or maintain his or her Action, in which he or she shall recover Possession of the same, and treble Damages, and full Costs of Suit.

[Guardians not to recover any Lands, &c. for their Wards, &c.]

And be it further Enacted, by the Authority aforesaid, That no Guardian, or his Heirs or Assigns, or any Person in Trust for, or for the Use of him or them, shall at any Time recover any Lands, Tenements, or Hereditaments whatsoever, from or of his or her Ward or Orphan, under his or her Care, or the Heirs or Assigns of such Ward or Orphan, upon any Rights or Title, which shall first wholly fall, come, accrue or vest, by Purchase, by or to, or in Trust, or for the Use of, such Guardian, of or from any other Person than the said Ward or Orphan, or some Person claiming by, from or under, such Ward or Orphan, at any Time after Possession obtained by such Guardian, in Manner aforesaid, or his or her Perception of the Rents, Issues and Profits aforesaid, in Manner aforesaid. And in Case it shall appear, on the Trial of any Cause or Suit whatsoever, whether for the Recovery of Possession and Damages, or of Damages only, against such Ward or Orphan, or his or her Heirs or Assigns, that the Plaintiff shall found his or her Action or Suit, upon any Right or Title accruing to the Guardian of such Ward or Orphan by Purchase (except as before excepted) subsequent to the said Guardian's obtaining Possession of the Lands, Tenements, or Hereditaments aforesaid, in Manner aforesaid, or his or her Perception of the Rents, Issues and Profits thereof aforesaid, the said Plaintiff, whether he or she shall be or have been the Guardian of such Orphan or Ward, or shall be any other Person claiming in Trust for, or for the Use of, or by, from or under, such Guardian, shall be Nonsuit; any Law, Statute, Usage, or Custom, to the contrary in any wise, notwithstanding.

This Act to continue for Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

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No. 1
p. 361
[Continuation.]

1.st May 1758
Read and assented to by the Lower house of assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

The Great Seal in Wax append.t

1.st May 1758
Read and Assented to by the Upper House of assembly
Signed ꝑ order
JRoss Cl Up Ho

No. 5 A Supplementary Act to an Act, entituled, An Act for Granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit, and Raising a Fund for Sinking the same.

[Preamble.]

Whereas the several Clauses in the said Act, laying a Duty of Forty Shillings Current Money on any Horse, Mare, Colt or Gelding, brought from any other Colony into this Province, to be sold, bartered or exchanged, are found by Experience to be ineffectual: For Remedy whereof, it is prayed that it may be Enacted,

[County clerks and Naval Officers to give Certificates or Permits for Horses, &c. entered with them.]

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Eleventh Day of June next, the Clerk of every County, or Naval-Officer of any District, within this Province, with whom any such Horse, Mare, Colt or Gelding, shall be Entered, and to whom the Duty shall be paid, agreeable to the Directions of the said Act, shall, and is hereby required and directed to give to such Person or Persons, that shall Enter the same, and pay the Duty aforesaid, a fair, distinct and separate Certificate, under the Hand of the said Clerk, and the Seal of the County, or a Permit, for the Sale of the same, as the Case shall require, expressing in such Certificate or Permit the Size and Age of such Horse, Mare, Colt or Gelding, with their Marks both natural and artificial; and for every such Certificate or Permit, the Person or Persons so obtaining the same, shall pay to the Clerk for such Certificate, or Naval-Officer, for the Permit aforesaid, the Sum of One Shilling Current Money, and no more.

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[Purchasers to receive the Permits, and produce them when demanded at their Dwelling House.]

And be it likewise Enacted, by the Authority aforesaid, That every Person or Persons residing within this Province, who shall, after the End of this Session of Assembly, purchase or take to his Use or Possession, any such Horse, Mare, Colt or Gelding, shall, at the Time of such Purchase, or Taking the same to his Use and Possession, receive the certificate or Permit aforesaid, granted by the Clerk or Naval-Officer aforesaid, as the Case shall happen; which Certificate or Permit, for such Horse, Mare, Colt or Gelding, the said Person or Persons shall produce to any Person or Persons demanding a Sight of the same, at the Dwelling-House of the Purchaser, Owner or Possessor of such Horse, Mare, Colt or Gelding, as aforesaid. And in Case any Person or Persons, who shall purchase, or by Barter, Exchange, or any other Method, receive to his Use or Possession any such Horse, Mare, Colt or Gelding, and shall fail or refuse to produce such Certificate or Permit when thereto required as aforesaid, he, she or they, shall forfeit and pay the Sum of Five Pounds Current Money; one Half thereof to the Informer, or him, her or them, that sue for the same; the other Half to be paid to the Commissioners or Trustees in the said Act mentioned, and applied as herein after directed; to be recovered before one Magistrate in a summary Manner.

[Travellers, or People actually removing excepted.]

Provided always, and be it Enacted, That nothing in this, or the above mentioned Act, shall extend or be construed to extend to any Traveller, who shall bring with him into this Province any Horses, Mares, Colts or Geldings, for his, her or their Journey, and shall not sell or exchange the same in this Province, or to any Person or Persons who shall be actually removing their Families and Effects into this Province, to reside herein.

[Sheriffs to be Collectors, and Commission'd by the Governor, and to give Bond.]

And whereas by the above said Act, it is Enacted, That the Sheriffs of the respective Counties within this Province, for the Time being, shall be Collectors of the Duty, by the said Act imposed on Liquors, and shall be commissioned by the Governor or Commander in Chief, for the Time being; but before they should enter upon the Execution of their Office, they and each of them should give Bond, with Two sufficient Securities, to the Right Honourable the Lord Proprietary of this Province, in the Sum of Four Hundred Pounds Current Money; which said Bond the Commissioners of the Loan-Office are impowered to sue, if the Sheriffs aforesaid should not comply therewith: And there being no Provision made in the said Act, by whom such Bond should be taken, nor to what Court the said Bond shall, when taken, be returned to be Recorded; it is therefore prayed it may be Enacted;

[Collectors Bonds how to be taken, proved, and recorded.]

And be it Enacted, by the Authority, Advice, and Consent aforesaid, That the said Bond shall be entered into by every such Collector and his Sureties, before One Justice of the Provincial Court, or Two Justices of the County Courts, who are hereby required and impowered to take the same; which Bond, so entered into, and taken by the said Justice or Justices, he or they shall immediately call before him or them the Witnesses to the said Bond or Bonds, and cause a Probate thereof to be made before him or them, which he or they shall indorse on the Back of the said Bond or Bonds, and shall immediately transmit the said Bond or Bonds to the Clerk of the Provincial Court, who shall forthwith Record the same in the Provincial Land Records; and after the Entry thereof upon Record, shall lodge the said Bond immediately with the Register of the Chancery Court, who is hereby required to take Charge of the same; and an attested Copy of the said Bond and Probate, from the said Provincial Records, shall be as good Evidence in Law to maintain an Action of Debt for the Breach of the Condition thereof, to all Intents and Purposes, as if the said Bond or Bonds were actually produced and proved in open Court. And in Case the Sufficiency of such Securities, shall at any Time afterwards be disapproved by the Justices of the Provincial Court, in Court sitting, the said Sheriffs or Collectors shall be obliged to enter into new Bond, in Manner and Form aforesaid, with such Securities as the said Provincial Court shall approve; and all and every of which said Bonds shall be taken, proved, transmitted, recorded and lodged, as aforesaid; and shall be put in Suit by the Order of the Commissioners of the Loan-Office, for the Time being, as often as any Breach shall be made thereof. Liber H. S. No. 1 p. 363

And be it further Enacted, by the Authority aforesaid, That the Fines, Penalties, and Forfeitures, above by this Act laid and imposed, shall be recovered by Action of Debt, Bill, Plaint, Information or Indictment, in any Court of Record within this Province, and applied and paid, the one Half to the Use of the Informer, the other to the Commissioners or Trustees of the Loan-Office, for the Time being, to be applied to the Sinking of the said Sum, by the said Act, to which this is Supplementary, Raised and Emitted for his Majesty's Service. [Fines how recovered and applied.]

This Act to continue in Force, from and after the End of this Session of Assembly, during the Continuance of the before mentioned Act.

8.th May 1758 Read and assented to By the Lower House of Assembly Signed ℘ order MMacnemara Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe	8.th May 1758 Read and Assented to by the Upper House of Assembly Signed ℘ order JRoss Cl Up Ho

The Great Seal in Wax append.t

No. 6 An Act entituled, An Act to Repeal Part of an Act, entituled, An Act Repealing Part of an Act laying an Imposition on Negroes and on several Sorts of Liquors imported; and also on Irish Servants, and to prevent the Importing too great a Number of Irish Papists into this Province; and to lay a Duty upon Rum, Spirits, Wine and Brandy, imported into this Province from Pennsylvania, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex. p. 364

Whereas it is found by Experience, that the Duty imposed by an Act, entituled, An Act Repealing Part of an Act, entituled, An Act [Preamble.]

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laying an Imposition on Negroes and several Sorts of Liquors imported; and also on Irish Servants, and to prevent the Importing too great a Number of Irish Papists into this Province, on Rum, Spirits, Wine and Brandy, into this Province by Land from the Province of Pennsylvania, has not been collected; but that great Quantities of Rum, Spirits, Wine and Brandy, have been clandestinely imported into this Province, without the Payment of any Duty, to the great Discouragement of the fair Trader:

[Part of an Act Repealed.]

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That so much of an Act of Assembly, entituled, An Act Repealing Part of an Act, entituled, An Act laying an Imposition on Negroes and several Sorts of Liquors imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province, made at a Session of Assembly begun and held at the City of Annapolis the Sixth Day of October, One Thousand Seven Hundred and Twenty-four, as imposes a Duty on Rum, Spirits, Wine and Brandy, from Pennsylvania by Land, be, and is hereby Repealed.

[Rum, &c. imported by Land from Pennsylvania, to be entered with the Naval-Officer or Sheriff; and 3d per Gallon Duty to be paid.]

And be it further Enacted, by the Authority aforesaid, That the Importer or Importers of all Rum, Spirits, Wine or Brandy, that shall after the Eleventh Day of June, Anno Domini One Thousand Seven Hundred and Fifty-eight, be imported into this Province by Land from the Province of Pennsylvania, or the Three Lower Counties of New-Castle, Kent and Sussex, or the reputed Limits of the said Province or Counties, shall, before he imports the same, make an Entry thereof with some Naval-Officer or Sheriff within this Province, for the Time being, into or through whose District or County the same shall be intended to be first imported; and at the Time of Entering the said Rum, Spirits, Wine or Brandy, shall pay to the said Naval-Officer or Sheriff, the Sum of Three Pence Current Money, for every Gallon of Rum, Spirits, Wine or Brandy, so intended to be imported, or give good Security for the Payment of the same at the End of Three Months after the obtaining a Permit or Permits to import the same, subject to the same Discount and Allowance with Liquors imported from any other Place, to be applied to the Sinking the Sum of Forty Thousand Pounds, granted by an Act of Assembly, entituled, An Act for Granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit, and Raising a Fund for Sinking the same.

[Also an Excise of 4d per Gallon.]

And be it further Enacted, by the Authority aforesaid, That the Importer or Importers of any Quantity of Rum, Spirits or Brandy, under Fifty Gallons, or of any Quantity of Wine under Twenty-five Gallons, that shall, after the said Eleventh Day of June, One

Thousand Seven Hundred and Fifty-eight, be imported into this Province by Land from the Province of Pennsylvania, or the Three Lower Counties of New-Castle, Kent and Sussex, or the reputed Limits of the said Province or Counties, before he imports the same, shall over and above the said Duty of Three Pence per Gallon, pay to the Naval-Officer or Sheriff, into or through whose District or County the same shall be intended to be first imported, the Sum of Four Pence, by Way of Excise, for every Gallon of Rum, Spirits, or Brandy, and the Sum of Six Pence, by Way of Excise, for every Gallon of Wine so intended to be imported, or give good Security for the Payment of the same at the End of Three Months after the obtaining a Permit or Permits to import the same, to be applied to the Sinking the Sum of Forty Thousand Pounds granted by the Act aforesaid.

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[6d. per Gallon for Wine.]

And be it further Enacted, That the Naval-Officer or Sheriff, with whom such Entry shall be made, at the Time of such Entry, and the Payment of the Duty on and Excise as aforesaid, are hereby impowered and required to give to the Person or Persons making such Entry, a Permit, or as many as shall be required, provided that the said Permits, so required, do not altogether contain a larger Quantity of Gallons than shall be Entered, and Duty, or Duty and Excise, paid for as aforesaid, to import into this Province, from Pennsylvania, or the Three Lower Counties of New-Castle, Kent and Sussex, so much Rum, Spirits, Wine or Brandy, as he, she or they, shall have paid the Duty, or Duty and Excise for as aforesaid; for each of which Permits there shall be paid to the said Naval Officer or Sheriff, the Sum of Three Pence Current Money, and no more; which Permit or Permits shall authorize the Person or Persons, to whom the same shall be given, to import the Quantity or Quantities of Rum, Spirits, Wine or Brandy, in the said Permit or Permits mentioned, into this Province, at any Time within Twenty Days after the Date of the said Permit or Permits, and not after. And that the Naval-Officer or Sheriff shall, when and as often as he grants a Permit or Permits as aforesaid, administer an Oath, or Affirmation if a Quaker, to the Person or Persons to whom the said Permit or Permits shall be delivered, that he, she or they, shall or will not make use of the said Permit or Permits, or suffer or allow the same to be used, to a double Purpose, or for the covering or importing any more Rum, Spirits, Wine or Brandy, than the said Permit or Permits allow.

[Permits to be granted, and stand good for 10 Days only.]

[Oath to be made at the Time of taking the Permits.]

And be it further Enacted, That whosoever shall presume to make use of any Permit or Permits, so aforesaid granted, or willingly suffer or allow the same to be used for a double Purpose, or for covering or importing more Rum, Spirits, Wine or Brandy, than is contained in the said Permit or Permits, shall forfeit and pay for every such Offence, the Sum of Ten Pounds Current Money; one Half thereof

[Penalty of 10l. for using Permits for a double Purpose.]

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to the Person or Persons who shall sue for the same, the other Half to be paid to the Commissioners or Trustees of the Loan-Office, for the Time being; to be applied to the Sinking the Sum of Forty Thousand Pounds granted by the Act aforesaid; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

[Persons convict of illegal Use of Permits, to suffer as in Case of Perjury.]

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons who shall obtain any such Permit or Permits as aforesaid, and made such Oaths or Affirmation as aforesaid, shall be legally Convict of having made a double or illegal Use of the Permit or Permits as aforesaid, for the covering or importing more Rum, Spirits, Wine or Brandy, than is contained in the said Permit or Permits, he, she or they, shall suffer as in Case of wilful and corrupt Perjury.

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[Rum, &c. imported, without Permit, to be seized.]

And be it further Enacted, by the Authority aforesaid, That all Rum, Spirits, Wine or Brandy, together with the Cask or Vessel containing the same, which shall after the said Eleventh Day of June be imported into this Province by Land from the Province of Pennsylvania, or the Three Lower Counties of New-Castle, Kent and Sussex, or the reputed Limits of the said Province or Counties, for the importing of which no Permit or Permits shall have been obtained as aforesaid, shall be subject and liable to be seized by any Naval-Officer, Sheriff, Under-Sheriff, or Constable, within this Province, and shall be forfeited, one Half thereof to the Use of the Person or Persons who shall seize the same, and the other Half to be paid to the Commissioners or Trustees of the Loan-Office, for the Time being, to be applied as aforesaid, and condemned in any Court of Record in this Province, by due Course of Law, if the Liquor seized exceeds the Quantity of Twenty-five Gallons, and if the Quantity of Twenty-five Gallons or under, then before any Justice of the Peace in this Province, in a summary Way.

[Officers suspecting Rum, &c. to be imported without Permit, to demand a Sight thereof; if refus'd, to seize the same.]

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Naval-Officer, Sheriff, Under-Sheriff, or Constable, that shall suspect that any Rum, Spirits, Wine or Brandy, has been imported by Land from the Province of Pennsylvania, or the Three Lower Counties of New-Castle, Kent and Sussex, without a Permit or Permits having been first obtained for importing the same, agreeable to the Directions of this Act, to demand a Sight of such Permit or Permits of the Person in whose Custody the said Rum, Spirits, Wine or Brandy, then is, and upon his, her or their refusing or delaying to produce the same, immediately to seize the said Rum, Spirits, Wine or Brandy, together with the Cask or Casks, or other Vessel or Vessels, which contain the same, and to carry and lodge the same in some secure Place for the Space of Seven Days after such Seizure; and if the Owner or Owners of the said Rum, Spirits, Wine or Brandy, or the Person or Persons in whose Custody the same was seized, shall, within the said Space of Seven Days, produce a Permit or Permits for importing the said Rum, Spirits, Wine or Brandy, into this Province, agreeable to the Directions of this Act, or an Affidavit of some credible Person, taken before some Justice of the Peace in this Province, that the same had been legally imported into this Province, or distilled within the same, then, in such Case, the said Person or Persons who seized the same, shall redeliver the said Rum, Spirits, Wine or Brandy, to the Owner or Owners, or Person or Persons in whose Custody the same was seized, on receiving back such Sum or Sums of Money as the Person making such Seizure shall have expended in removing, lodging, and securing the same. Liber H. S. No. 1

[Officers may enter suspected Places.]

And be it further Enacted, by the Authority aforesaid, That if any Naval-Officer, Sheriff, Deputy-Sheriff, or Constable, shall be informed by any credible Person, or have good Reason to suspect, that any Rum, Spirits, Wine or Brandy, has been imported into this Province by Land from Pennsylvania, or the Counties of New-Castle, Kent and Sussex, or the reputed Limits of the said Province or Counties, contrary to the Intention and Direction of this Act, such Naval-Officer, Sheriff, Deputy-Sheriff, or Constable, are hereby authorized and required to enter at any Time between the Rising p. 367 and Setting of the Sun, into any Ship or Ships, Sloop or Sloops, Boat or Boats, Vessel or Vessels, House or Houses, Vault or Vaults, Cellar or Cellars, or other suspected Places, to search for such Rum, Spirits, Wine or Brandy, and to seize the same, together with the Cask or Casks, or other Vessel, which contain the same (unless the Owner or Owners of such Rum, Spirits, Wine, or Brandy, or the Person or Persons in whose Custody the same is seized, shall immediately produce a Permit or Permits for importing the same, agreeable to the Directions of this Act); and the same Rum, Spirits, Wine or Brandy, so seized, to carry and lodge in some secure Place, for the Space of Seven Days after such Seizure; and if the Owner or Owners of such Rum, Spirits, Wine or Brandy, or the Person or Persons in whose Custody the same was seized, shall, within the said Space of Seven Days, produce a Permit or Permits for importing the said Rum, Spirits, Wine or Brandy, into this Province, agreeable to the Directions of this Act, or on Affidavit of some credible Person, taken before some Justice of the Peace within this Province, that the same had been legally imported into this Province, or distilled within this Province, then, and in such Case, the Person or Persons who seized the same, shall deliver the said Rum, Spirits, Wine or Brandy, to the Owner or Owners, or Person or Persons in whose Custody the same was seized, on receiving back such Sum or Sums of Money, as the Person making such Seizure shall have expended in removing, lodging, and securing the same.

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[Notice of Seizure to be given, on Demand.]

And be it further Enacted, by the Authority aforesaid, That any Person or Persons who shall seize any Rum, Spirits, Wine or Brandy, by Virtue of this Act, shall, on Demand, give Notice in Writing to the Person or Persons in whose Custody the same was seized, if the Rum, Spirits, Wine or Brandy, seized, exceeds the Quantity of Twenty-five Gallons, in what Court, and when, he shall file an Information, in order to have the same condemned, or if the Quantity of Twenty-five Gallons or under, before what Justice of the Peace, and when he shall apply to have the same condemned, agreeable to the Directions of this Law.

[Onus Probandi to lay on the Owner where Information, filed.]

And be it further Enacted, by the Authority aforesaid, That if any Rum, Spirits, Wine or Brandy, shall be seized agreeable to the Directions of this Law, and an Information filed in any Court of Record, or Application made to a Magistrate, in order to have the same condemned, such Rum, Spirits, Wine or Brandy, shall be presumed to have been imported by Land from the Province of Pennsylvania, or the Three Lower Counties of New-Castle, Kent and Sussex, without being Entered, unless the Owner or Owners, or Person or Persons claiming Property in the same, shall be able to prove that the said Rum, Spirits, Wine or Brandy, was legally imported into this Province, or distilled or made within the same.

[Oath to prevent the Importation of Rum, &c. from Pennsylvania, or Three Lower Counties, without Permit, by whom to be taken and when.]

And be it further Enacted, by the Authority aforesaid, That all Naval-Officers, Sheriffs, Deputy-Sheriffs, and Constables, who shall be in Office after the Eleventh Day of June next, at the first County Court to be held for the County in which they respectively reside, after the said Eleventh Day of June, shall take an Oath, that if they shall know, or be credibly informed, or have good Reason to suspect, that any Rum, Spirits, Wine or Brandy, has been, or shall be, imported by Land into this Province from Pennsylvania, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, or the reputed Limits of the said Province or Counties, without a Permit or Permits for so doing, they will forthwith do their best Endeavour to seize the same: And that all Naval-Officers, Sheriffs, Under-Sheriffs, and Constables, which shall, after the said Eleventh Day of June, be appointed or sworn into the said Offices, shall, at the Time of his being sworn, take the same Oath, and obtain a Certificate thereof; and every such Officer failing so to do, shall forfeit the Sum of Five Pounds Current Money to the Informer; to be recovered with Costs, by Action of Debt or Information, in any Court of Record within this Province.

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[Accounts to be made out Twice a Year, and return'd to the Commissioners.]

And be it further Enacted, by the Authority aforesaid, That the several and respective Naval-Officers and Sheriffs of this Province, shall, and are hereby obliged and required, Twice in each Year, during the Continuance of this Act, to make out, on Oath, true and distinct Accounts of all the Money he shall receive by Virtue of this Act; and the same Account, so made out, shall return under their Hands

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to the Commissioners of the Loan-Office for the Time being; and shall account with and pay to the Commissioners of the Loan-Office, from Time to Time, all such Sums of Money as they shall receive by Virtue of this Act, retaining to his and their own Use a Commission of Ten Pounds per Cent. and no more.

[General Issue to be pleaded.]

And be it further Enacted, That if any Naval-Officer, Sheriff, Under-Sheriff, or Constable, shall be sued or prosecuted for any Thing done by them in Pursuance of this Act, he or they may plead the General Issue, and give the special Matter in Evidence, for his or their Justification.

[Continuation.]

This Act to continue and be in Force for Three Years, and to the End of the next Session of Assembly which shall happen after the said Three Years.

6th May 1758
Read and Assented to By the Lower House of Assembly
Signed ꝑ order
MMacnemara Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

6th May 1758
Read and assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax app.t

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I do hereby Certify that Reverdy Ghiselin Clerk of the Provincial Court and secretary's Office of the Province of Maryland this day personally appeared before me the Subscriber one of the Right Honourable the Lord Proprietary of the Province afs.d his Council of State and made Oath on the Holy Evangels of Almighty God that he carefully Examined the Laws contained in this Book beginning at Folio 356 and ending at Folio 368 with the Original Acts that passed the Great Seal. Sworn to this 25.th day of September Anno Dom 1758.

Before C: Hammond

SEAL

The Seal of the Provincial Court is hereunto Affixed on behalf of Benjamin Tasker Junior Deputy Secretary of Maryland

ꝑ Reverdy Ghiselin ~~Clk~~ of the
Secretary's Office & Prov:l Court.

APPENDIX

APPENDIX

I

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THIS SUPPLY BILL, OR ACT FOR HIS MAJESTY'S SERVICE, A MEASURE DESIGNED TO PROSECUTE THE WAR, APPROPRIATED £20,000 TO BE RAISED BY TAXES ON INCOMES AND FROM OTHER NEW SOURCES OF TAXATION, WAS PASSED BY THE LOWER HOUSE AT THE SEPTEMBER-DECEMBER 1757 SESSION, AND REJECTED BY THE UPPER HOUSE. IT WAS THE CAUSE OF A LONG AND BITTER STRUGGLE BETWEEN THE TWO HOUSES. IT WAS PRINTED BY JONAS GREEN, THE PROVINCIAL PRINTER, IN FEBRUARY 1758, AND IS CALLED "THE ASSESSMENT BILL" IN AN ADVERTISEMENT IN THE *Maryland Gazette* FOR FEBRUARY 16, 1758. THIS IS A REPRINT OF A RARE PAMPHLET, A COPY OF WHICH IS IN THE MARYLAND HISTORICAL SOCIETY.

By the Lower House of Assembly, December 1, 1757.
On Motion,

Ordered, That the Bill, entituled, An Act for granting a Supply of Twenty Thousand Pounds for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting Ten Thousand Pounds thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments, returned this Day with a Negative from the Upper House, be Printed by the 14th Day of January next, with the several Indorsements thereon, and such Part of the Proceedings as relate thereto; and that Two Printed Copies be delivered to each Member of the Upper and Lower Houses of Assembly, and One to every Clerk of the several County Courts of this Province, to be lodged in the respective County Clerks Offices, for the Perusal of the Inhabitants of each County; and forwarded in the same Manner, by the Printer, as the Laws, Votes and Proceedings, are directed to be.

Signed per Order, M. Macnemara, Cl. Lo. Ho.

An Act for Granting a Supply of Twenty Thousand Pounds for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting Ten Thousand Pounds thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments.

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We his Majesty's most dutiful and loyal Subjects, the Representatives of the Freemen of the Province of Maryland, in Assembly convened, taking into our serious Consideration the Expences necessary for his Majesty's Service, the more immediate Defence, Security, and Protection of the Frontier Inhabitants, and for securing the Southern Tribes of Indians in the British Interest, and procuring their Assistance against his Majesty's Enemies; have, for those Ends and Purposes, and other good Ends and Purposes mentioned in this Act, chearfully and unanimously Given and Granted, and by this Act, do Give and Grant for the Ends and Purposes aforesaid, the several and respective Rates and Assessments hereafter mentioned: And do humbly Pray that it may be Enacted,

II. And be it Enacted, by the Right Honorable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly, shall, and they are hereby required and enjoined forthwith, to Sign, Number and Date, of the Blank Books of Bills of Credit, for Renewment of defaced Bills, now in their Office, Bills of Credit to the amount of Ten Thousand Pounds, and the said Bills to Emit, make Current, and Pay out, to the several and respective Agents, Commissioners, and Persons, hereafter appointed to demand and receive the same; and to Pay to the Agents, Commissioners and Persons aforesaid, out of any Bills of Credit now in their Office unappropriated, or which shall on any Account whatever be received into the same, before the Thirtieth Day of September next, to the amount of Eight Thousand Pounds; and also to pay to the Persons aforesaid, out of the Bills of Credit now in the said Office appropriated to the Payment for Scalps or Prisoners, to the amount of Two Thousand Pounds, which said Sum of Two Thousand Pounds the said Commissioners or Trustees shall Replace by the first Bills of Credit which shall be paid into their said Office after they have received in to the amount of Eight Thousand Pounds including the said Bills of Credit now in their Office unappropriated.

III. And be it further Enacted, That any Person or Persons who shall Counterfeit any of the Bills of Credit, which shall be Emitted or made Current by this Act, or shall alter the Sum expressed in any of the said Bills, and his, her, or their Aiders or Abettors, or who shall utter or offer, or cause to be uttered or offered, in Payment, and such Counterfeit or Altered Bill or Bills, knowing the same to be Counterfeit or Altered, and shall be thereof convicted by due Course of Law, or stand mute, or peremptorily challenge above the Number of Twenty of the Pannel, shall suffer Death as a Felon or Felons, without Benefit of Clergy. And all Magistrates and Others, into whose Hands any such Counterfeited or Altered Bills, may happen to come, shall forthwith deliver the same to One of the Commissioners or Trustees aforesaid, who shall cause the Name of those that delivered them, and of the Persons from whom they were taken, to be Indorsed on the Back thereof; which Bills shall be safely kept in the said Office, and be forth coming when there may be Occasion thereof.

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IV. And be it further Enacted, That the said Commissioners or Trustees, before they enter upon the Execution of their Trust, under this Act, shall each of them severally enter into Bond, with sufficient Sureties, jointly and severally, to One of the Provincial Treasurers, for the Time being, in the Penalty of Two Thousand Pounds Sterling, payable to the Lord Proprietary, conditioned for the Observance and faithful Discharge of the Trust hereby reposed in them: And the said Treasurer shall immediately cause the said Bonds to be proved by the Witnesses thereto, before One Provincial Justice, who shall forthwith Indorse the Probate of the same Witnesses on the Back thereof, and also, by an Order under his Hand, on the Back of the same Bond, require the Clerk of the Provincial Court immediately to record, among the Land-Records of his Office, the said Bond, Probate, and Order; and the said Clerk shall immediately after the Recording aforesaid, deliver the Original to the Register of the Chancery Court, to be by him safely kept in the Chancery Office; and an attested Copy of the said Bond and Probate, from the said Provincial Records, shall be as good Evidence in Law, to maintain an Action of Debt, for the Breach of the Condition thereof, to all Intents and Purposes, as if the said Bond or Bonds were actually produced and proved in Court; and shall also take the following Oath, before some Provincial Justice (who is hereby impowered and required to administer the same) to wit, I A. B. do swear, that I will, according to the best of my Skill and Knowledge, faithfully, impartially, and truly demean myself, in Discharge of the Trust committed to me, by an Act of General Assembly of this Province, entituled, An Act for Granting a Supply of Twenty Thousand Pounds for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting Ten Thousand Pounds thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments, according to the Purport and Tenor of the same Act; so that none may be prejudiced by my Consent, Privity, or Procurement: So help me God.

V. And be it further Enacted, That the said Commissioners or Trustees, shall keep true, separate, distinct and regular Accounts, as well of the Bills of Credit, which they shall Sign, Emit, and Issue, as aforesaid, as of the Money and Bills of Credit, which they shall receive and pay pursuant to this Act, and of all other their Proceed-

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ings in Consequence thereof; which several Accounts and Proceedings, a Committee of both Houses of Assembly shall be appointed every Session to inspect and examine. And the said Commissioners or Trustees are hereby required and obliged to lay such Accounts as aforesaid, and a full and fair State of their Proceedings, before such Committee, to the End they may be satisfied, that the Sums, for which Bills of Credit are directed by this Act to be Issued, are not exceeded; and may be fully acquainted, from Time to Time, with the State of the whole Transactions and Affairs relating to the said Office, and of the Management and Behaviour of the said Commissioners or Trustees. And the said Committee shall every Session Report to the General Assembly the State and Condition of the said Office, and the Conduct and Behaviour of the said Commissioners or Trustees, to the End that any Corruption or Mismanagement, may be timely guarded against and prevented.

VI. And be it further Enacted, That the Clerk, for the Time being, to the Commissioners or Trustees aforesaid, shall keep the Books of Accounts of all their Transactions, and of all their Proceedings, in Virtue of this Act; for which, and for every other Service incident to his Office, in Virtue of this Act, he shall have a Salary of Five Pounds Current Money, and no more, to be paid by the Commissioners or Trustees aforesaid in the said Bills of Credit. But, before he shall enter upon the Execution of his said Office, he shall take an Oath before some Justice of the Peace in this Province, who is hereby impowered and required to administer the same in these Words: I A. B. do swear, that I will truly and faithfully perform and execute the Office and Duty that is directed and required of me as Clerk to the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly, by a Law of this Province, entituled, An Act for Granting a Supply of Twenty Thousand Pounds for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting Ten Thousand Pounds thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments; and I will keep just, true, and regular Accounts of all the Bills of Credit, which shall be issued and paid out of the said Office, and the Names of those to whom the same shall be paid and delivered; and also, just, true, and regular Accounts of all Bills of Credit, and Sums of Money, which, by Virtue of the said Act, shall be paid and received, and by whom, into the said Office, and all other necessary Accounts relating to the said Bills of Credit; and true Entries make of all other Proceedings and Transactions of the said Commissioners or Trustees, appointed to put the said Act in Execution, without any fraudulent Practice whatsoever: So help me God. Which Justice of the Peace, so administering such Oath, is hereby

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required immediately to send a Certificate of such Clerk's having taken such Oath, to the Clerk of the Provincial Court, who shall receive and file the same in his Office; and the Office-Bond of the said Clerk of the said Commissioners or Trustees, and his Securities in such Bond, shall be answerable for, and put in Suit, for any Breaches of his Duty committed against this Act.

VII. And be it further Enacted, That each of the said Commissioners or Trustees, for the Time being, who shall undertake and execute the said Trust, shall be allowed for their Trouble and Service therein, Five Pounds Current Money, and no more.

VIII. And be it further Enacted, That the Bills of Credit, which shall be Emitted and made Current by Virtue of this Act, shall be Current for and during the same Term and Time as the Bills of Credit already Emitted and made Current by the Act, for Emitting and making Current Ninety Thousand Pounds Current Money of Maryland, in Bills of Credit, are, by the said Act, directed and appointed to be Current; and during the said Term shall pass and be received in Payment, Satisfaction, and Discharge, of all Sums of Money to be paid by this Act, and of all such Contracts, Debts, Lawyers and Officers Fees, and Levies, and all such Bounties, Rewards, and Allowances, given and allowed by any Act of Assembly of this Province, in Money or Tobacco, and all such Fines, Forfeitures, and Penalties, settled or established in Money or Tobacco by any Law of this Province, and of all such Rates, Duties, and Impositions, upon the Importation or Exportation of any Goods, Wares, or Merchandizes, Servants and Slaves, allowing the usual Allowance of Thirty-three Pounds Six Shillings and Eight Pence per Cent. between Sterling and Currency; and of all other Debts, of what Nature, Quality, or Degree soever, now due, or which shall hereafter arise or become due, during the Continuance of this Act, which, by the Laws of this Province, shall and may be paid in any Bills of Credit already Emitted and made Current in this Province, or in Gold or Silver; and if any Person or Persons shall produce to the Commissioners or Trustees for Emitting Bills of Credit, established by the Act of Assembly for Emitting and making Current Ninety Thousand Pounds Current Money of Maryland, in Bills of Credit, within the Time by the said Act limited for cancelling and vacating the Bills of Credit, now in Circulation, in Virtue thereof, any Bill or Bills of Credit Emitted or made Current by Virtue of this Act, the same Bills of Credit shall be cancelled and vacated; and such Person or Persons shall be satisfied and paid for them out of the same Fund, and in the same Manner, as if they had been Bills of Credit Emitted and made Current by Virtue of the aforesaid Act, for Emitting and making Current Ninety Thousand Pounds of Current Money of Maryland, in Bills of Credit; any Law, Usage, or Custom, or any Thing herein before contained to the contrary, notwithstanding.

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IX. And be it further Enacted, That any Person tendering or offering the Bills of Credit, by this Act to be Emitted, in Discharge of any such Debts or Contracts as aforesaid, or in Payment and Discharge of any such Levies, Fees, Penalties, Bounties, Rewards, and Allowances, Fines, Forfeitures, Rates, Duties, and Impositions, as aforesaid, shall have and receive the same Benefit and Advantage from and by such Tender, as if such Tender was made in Gold or Silver, or Tobacco in Specie, or of the Bills of Credit heretofore Emitted and made Current in this Province; and Law, Usage, or Custom, to the contrary, notwithstanding.

X. And be it further Enacted, That if at any Time pending any Action or Suit, for the Payment of Current Money, payable by Bond, Bill, Note, Account, or other Contract, the Defendant shall bring into Court, where the Action or Suit shall be depending, all the principal Money and Interest due on such Bond, Bill, Note, Account, or other Contract, and pay all Costs, which shall arise due on such Action or Suit, and shall tender the same Bills of Credit, upon such Tender, and paying the Costs, as aforesaid, the Defendant or Defendants in any such Action or Suit, shall be by the Court absolutely discharged therefrom.

XI. And be it further Enacted, That upon Application, during the Continuance of this Act, to the Commissioners or Trustees aforesaid, by any Person or Persons, having any of the Bills of Credit, by this Act to be Emitted or made Current, which are torn or defaced, and not fit to pass, it shall and may be lawful to and for the said Commissioners or Trustees, and they are hereby required, without Fee or Reward, in Lieu of such torn or defaced Bill or Bills, to deliver unto such Person or Persons any Bills of Credit, which may be received and paid into the said Office in Virtue of this Act, and which may be in their Hands unapplied, for the Same Value for which such torn or defaced Bill or Bills shall pass Current at the Time of bringing the same to the said Commissioners or Trustees, and to keep and retain such torn Bill or Bills as shall be brought in: And they shall, and are hereby directed and required to keep separate and distinct Accounts of all such torn or defaced Bills, so by them taken and received, and of the Bills of Credit delivered out in Lieu thereof.

XII. And be it further Enacted, That the Commissioners or Trustees aforesaid, after the Sum of Two Thousand Pounds in Bills of Credit, herein before directed to be paid and delivered out, and the Sum of Five Thousand Nine Hundred and Eighty-four Pounds Fourteen Shillings, directed to be paid out by the Act, for Granting a Supply of Forty Thousand Pounds for his Majesty's Service; and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit; and Raising a Fund for Sinking the same, are repaid and replaced into their said Office, according to the Directions of this, and the several Acts for that Purpose, shall retain and

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keep in the said Office all such Sums of Money, in Bills of Credit, as they shall receive by Virtue of this Act, except such Part thereof as shall be exchanged for torn and defaced Bills, and all torn and defaced Bills, so taken in Exchange, until the next Session of Assembly; and then shall burn and destroy the same, before the Committee which shall be appointed to inspect the Accounts and Proceedings of the said Office; and so from Session to Session, until they have so destroyed the full Sum of Twelve Thousand and Fifteen Pounds Six Shillings.

XIII. And to the End, that no Person may complain of Want of Opportunities to pay in the Monies, required by the several Laws of this Province to be paid to the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly; Be it Enacted, That the said Commissioners or Trustees shall, and they are hereby strictly enjoined and required to attend at their Office, for the Dispatch of Business, on the Wednesdays and Thursdays of every Week (the usual Hollidays of Christmas excepted) from the Hour of Nine to the Hour of Twelve in the Forenoon, and from the Hour of Two to the Hour of Six in the Afternoon inclusive.

XIV. And be it further Enacted, That the Bills of Credit, by this Act before directed to be Emitted, made Current, and Paid out, as aforesaid, shall be applied to the Uses and Purposes herein after mentioned, and to no other Use or Purpose whatsoever; That is to say, The Sum of Twelve Thousand Pounds, or so much thereof as may be necessary, to the Pay and Subsistence of the Five Hundred Men, taken into the Pay of this Province by Virtue of an Act, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, from the Time the Money appropriated by the said Act for those Purposes, was expended, till the End of Ten Days from the End of this Session of Assembly, and to the Pay, Subsistence, Cloathing, and all other Charges, of what Denomination or Kind soever, attending the supporting Three Hundred effective Men, Officers included, to act as Rangers, for the more immediate Defence, Protection, and Quiet of the Frontier Inhabitants of this Province; which said Three Hundred Men, Officers included, shall be supported till the Thirtieth Day of September next, and no longer; and shall be paid after the following Rates, until the said Thirtieth Day of September next, and no longer; That is to say, To Three Captains, each having the Command of Ninety-nine Men, Officers included, Ten Shillings per Day: To Six Lieutenants, each Six Shillings and Eight Pence per Day: To Three Ensigns, each Five Shillings per Day: To Twelve Serjeants, each One Shilling and Six Pence per Day: To Twelve Corporals, each One Shilling and Two Pence per Day: To Three Drummers, each One Shilling and Two Pence per Day: To Two Hundred and Sixty-one private Men, able-bodied and fit for the Service, each Nine Pence per Day: To One Surgeon, and

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Medicines to be found him by the Agents herein after appointed, Six Shillings per Day: And to One Gun-Smith, Tools and Materials (Coals excepted) to be found him by the Agents herein after appointed, Three Shillings per Day; Deduction being to be made for any Deficiency or Deficiences in the said Number of Officers or Men, by Death or otherwise; which Forces the said Agents are hereby directed duly to pay monthly, as hereafter directed, according to the Number that shall be in actual Service, as hereafter directed, and not otherwise.

XV. And to the Intent that no Money may be paid out by the said Agents, for the Wages, Subsistence, or Support, of any Officer or Soldier, to be supported in the Pay of this Province, by Virtue of this Act, but such as bona fide are not only enlisted, but actually in Person do perform their Duty; Be it Enacted, That no Money shall be drawn out, advanced, remitted, or paid, for or towards the Pay, Subsistence, or Support, of the respective Companies, until Muster-Rolls, Certificates, and Journals of such Company, shall be returned to the Governor or Commander in Chief of this Province, for the Time being, and to the said Agents, in Manner and Form, and by the Time, herein after directed.

XVI. And be it Enacted, That Musters of the said Three Hundred Men shall be taken at Fort Frederick monthly; and Muster-Rolls shall be made out by the Captain of each respective Company, agreeable to the Form now used by Order of his Majesty, in making out Muster-Rolls of the British Forces; and as soon as possible after any Muster shall be made, had, or taken, by the said Captain, he shall make Oath before one of his Lordship's Justices of the Peace, in Manner and Form following, viz. I A. B. do swear, that I saw mustered, at the Time of making the within Muster, such Men as are borne on the within Muster-Roll, and for which no signed Certificate or Certificates are Indorsed thereon, certifying their being absent from such Muster, by Reason of being employed on Detachment, or other Duty, or being sick, in Prison, on Furlough, dead, deserted, or discharged.

XVII. And the said Justice, upon the said Captain's making such Oath to such Muster-Roll, is hereby directed immediately to make a Certificate thereof on the Back of such Muster-Roll; and for every Neglect in any Captain, to make and return such Muster-Rolls as aforesaid, he shall forfeit the Sum of One Hundred Pounds Current Money, to be recovered as hereafter directed, in Case of Signing a false Muster-Roll. And when it shall be out of the Power of the said Captain, or Officer commanding any Company, to make his whole Company appear, on Account of such Company's being divided into different Parties or Divisions, Ranging in different Parts, then and in such Case, such Captain shall, on his Muster-Roll, distinguish the Names of such as are absent at the Time of taking the said Muster,

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and shall require Certificates of the Officer commanding such Party or Division, in which Certificates shall be expressed or certified the particular Service or Duty, on which such Party or Division, and every Man thereof, is absent, the Occasion of such his Absence, and how long he has been absent; and if any Soldier or Soldiers shall have died, deserted, or have been discharged from, or enlisted into, such Company, since the last Muster thereof, then opposite to their Names respectively shall be notified, and it shall be specified in such Certificate when such Soldier or Soldiers died, deserted, or were discharged or enlisted: And until the Commanding Officer of any Party or Division, shall have given such particular Certificates, as are abovementioned, the said Captain shall not enter in such Muster-Roll the Names of any Officers or Men, except such as shall actually appear before him.

XVIII. And be it further Enacted, That the said Captains shall always close the Muster-Roll of each Company, upon the Place where, and the Day when, the Muster thereof shall be taken; and the Two eldest Officers of such Company, besides the Captain (who are hereby required to be present, unless the Duty of their Station obliges them to the contrary) if so many shall be present, shall, with the said Captain, subscribe the said Muster-Roll.

XIX. And be it further Enacted, That if any Officer, having received a Soldier's Pay, shall detain or with-hold the same, or any Part thereof, by the Space of a Fortnight, after such Pay shall be by him received, unless such Soldier shall be on Furlough, and then, if such Officer shall detain it a Week after the Expiration of the Furlough, and Return of the Soldier to his Duty, such Officer, so offending, shall, upon Proof thereof before a General Court-Martial, forfeit Fifty Pounds Current Money, and be Cashiered; and if the Informer be a Soldier, and demand a Discharge, he shall be thereupon discharged from any further Service.

XX. And be it Enacted, That every Officer stationed or posted at, or ranging about, any of the Places hereaftermentioned who shall, after the Twenty-fifth Day of December, Seventeen Hundred and Fifty-seven, wittingly or willingly allow, sign, make or give, or cause or procure to be signed, allowed, made or given, any false or untrue Muster-Roll, Certificate, or Journal or Duplicate of such Muster-Roll, Certificate, or Journal; upon Proof thereof upon Oath, made by Two Witnesses before the Provincial Court, shall, for such Offence, be disabled from having or holding any Civil or Military Office or Employment in this Province, and shall likewise forfeit and pay, if a Captain or Lieutenant, One Hundred Pounds Current Money; if under the Degree of a Lieutenant, Fifty Pounds Current Money; to be recovered by Action of Debt, or on the Case, in the said Court, with full Costs, and applied as hereafter directed.

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XXI. And be it further Enacted, That if any Officer shall enter any Person on any Muster-Roll or Certificate, by a wrong Name, knowingly, upon Conviction thereof, such Officer shall suffer such Pains and Penalties as are directed by this Act to be inflicted on those that shall make and present any false Muster-Roll or Certificate, to be recovered in the same Manner, and applied, as hereafter directed.

XXII. And to discourage, and as far as may be prevent all Officers from making and presenting false Muster-Rolls and Certificates; Be it further Enacted, That upon Complaint, or Information filed, against any Officer, for Breach of this Act, in the Clerk's Office of the Provincial Court, setting forth the Facts committed by the said Officer, Fourteen Days before the setting of the said Court, upon Leave obtained under the Hand of the Governor or Commander in Chief, for the Time being, the Clerk shall issue forth a Summons to the Officer informed against, commanding him to appear at the Provincial Court, to answer to such Complaint; which Summons, with a Copy of the Information, shall be served upon the Officer complained of Fourteen Days before the setting of the Court.

XXIII. And be it further Enacted, That if any Witnesses, to prove the Facts complained of, be retained in the Pay of this Province, at any of the Stations, Fort, or Ranges, hereafter directed; upon Application made to, and Leave therefore had, from the Governor or Commander in Chief, as aforesaid, the Clerk shall make out Subpœnas for such Witnesses to attend the said Court as Evidences in the Cases.

XXIV. And be it further Enacted, That if any Officer shall presume to detain any Soldier under his Command, when summoned and notified as before directed, or if any Officer or Soldier shall, by any Ways or Means whatever, obstruct the Service of any Subpœna as aforesaid, such Officer or Soldier, upon Conviction thereof, shall forfeit and pay; That is to say, a Captain or Lieutenant, one Hundred Pounds Current Money; an Officer under the Degree of a Lieutenant, Fifty Pounds Current Money; and a common Soldier, Thirty Pounds Current Money; to be recovered and applied as hereafter directed.

XXV. And be it further Enacted, That the said Three Hundred Men (Officers included) shall be forthwith drafted by Order and Direction of his Excellency Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, out of such of the aforesaid Five Hundred Men, taken into the Pay of this Province by Virtue of an Act of Assembly, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, as by the Terms of their Enlistment, are obliged to serve till the last Day of September next, or for any longer Term, and shall be the most able-bodied, best disciplined, and most expert of those Officers and Men, and best qualified for the Services intended by this Act, and hereafter directed.

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XXVI. And in Case there shall not be among the said Men, a sufficient Number of such Men as aforesaid, who, by the Terms of their Enlistment, are obliged to serve for such Time as aforesaid, then it shall and may be lawful for his Excellency Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, to impower Persons to Enlist so many such Men, able-bodied and fit for the Service, as shall be wanting to compleat the aforesaid Number of Three Hundred Men, Officers included; which Men, so to be Enlisted, shall be Enlisted to serve for an indefinite Time, and not otherwise.

XXVII. And be it further Enacted, That the said Three Hundred Men shall immediately, upon passing this Act, be stationed at Fort Frederick in this Province, as Rangers; and from thence shall Range for the Defence, Protection, and Quiet of the Frontier Inhabitants, in Manner following; That is to say, One Third Part of the said Three Hundred Men, which shall be effective, shall go out monthly, during their Continuance in the Pay of this Province as aforesaid (the First Party to go out as soon as possible); and shall be divided into Three Parties, One of which, under the Command of a Captain or Lieutenant, shall be employed constantly in Ranging the Woods about the Temporary Line, between Conococheague and the North-Mountain, as near the Settlements of the Inhabitants, as may be most conducive to their Defence and Protection, lying in Ambush when necessary, at such Place or Places, about the said Line, or on the said Mountain, as it is most probably the Enemy will pass or repass; One other of the said Three Parties, under the Command of a Lieutenant, shall be employed as aforesaid, near the Mouth of Conococheague, and between that and Baker's Fort, and the North-Mountain; and the other of the said Parties shall be employed as aforesaid, near the Place formerly known by the Name of Mr. Dulany's Quarter, and from thence along the Temporary Line by Crosse's Fort to Baker's Fort, and along the same Line to Anti-Eatam from the said Quarter. And in Case any of the Men or Officers shall, during the Time they shall be so ordered out, die, be killed, or be by any Means rendered non-effective, or should desert, then the Officer commanding the Party, shall immediately make Application to the Commanding Officer at the Fort, who shall forthwith send other Officers or Men, to supply the Place of such Officers or Men, dead, killed, non-effective, or deserted; which said Parties shall be relieved at the End of One Month from the going out of the First Party; and so Parties shall go out monthly, during the Continuance of the said Three Hundred Men in the Pay of this Province as aforesaid; and the Parties who are to relieve, shall be at their several

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Stations aforesaid, before the Parties, who are to be relieved, shall remove therefrom. And in order that the good End proposed by the supporting the said Three Hundred Men to Range as aforesaid, may be the more effectually promoted, the several and respective Officers, who shall command the said small Parties or Divisions, shall immediately upon their coming into the said Fort, return to the Commanding Officer there a true and exact Journal of their Transactions and Proceedings, from their respective Times of going out, to their Times of coming in as aforesaid; and the said Commanding Officer shall monthly, with the Muster-Rolls, return One Duplicate of the said Journal under his Hand and Seal, to the said Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, and another to the said Agents.

XXVIII. And be it further Enacted, That the Agents herein appointed, shall deliver to the Persons who shall be employed by the Governor or Commander in Chief of this Province in Enlisting Men as aforesaid, such Sums of Money as the Governor or Commander in Chief of this Province, for the Time being, shall direct, by Order under his Hand, to be by the said Persons paid out in Bounties, not exceeding Five Pounds to each of the said Men, to be Enlisted as aforesaid, so as the said Sums to be delivered by the said Agents exceed not, in the Whole, the Sum of Two Hundred and Fifty Pounds Current Money. And the said Persons, so to be employed in Enlisting Men as aforesaid, before they shall receive any of the Money aforesaid, shall give Bond, with proper Security, to the Right Honourable the Lord Proprietary of this Province, which shall be delivered to the said Agents, to account for the same, as herein after directed, and to repay to the said Agents any Part of the said Money that may remain in their Hands unapplied to the Use aforesaid.

XXIX. And be it further Enacted, That the said Persons, who shall be employed in Raising Men as aforesaid, shall, and they are hereby required, at the End of Three Months, from the End of this Session of Assembly, to account upon Oath with the Agents aforesaid, and then deliver to them Receipts from the Men by them respectively Enlisted, for all such Bounty-Money as they shall claim Allowance for on such Accounting; and by the Thirtieth Day of September next, shall account with the said Agents upon Oath, for the Remainder of such Sums as they shall have received from them as aforesaid; and for all such Sums as they shall then claim to be allowed, they shall produce such Receipts as aforesaid; and the Remainder of the said Sums, if any shall be then in their Hands, they shall pay to the said Agents, to be by them applied for the Purposes of this Act. But the Agents aforesaid shall not allow to the Persons, who shall be impowered to Enlist as aforesaid, in the Settlement of their Accounts, for the said Bounty-Money for the Enlisting of any

Man, until he shall produce a Certificate from the Commanding Officer at the Fort aforesaid that such Man has passed Muster there with him, and is able-bodied and fit for the Service aforesaid.

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XXX. And be it Enacted by the Authority aforesaid, That all the Returns of Muster-Rolls, Certificates, Journals, Accounts, and Receipts, which shall be returned to the said Agents, agreeable to the Directions of this Act, shall be laid by the said Agents, together with their Accounts, before the next General Assembly of this Province, on or before the Third Day after their Meeting.

XXXI. And to prevent any Abuses or Impositions by Public House-Keepers, in whose House any Soldiers may be Quartered or Billetted; Be it Enacted, That no Public House-Keeper, at any Time before the Thirtieth Day of September next, shall charge to, or receive from, any Officer under the Degree of a Captain, or private Soldier, Quartered or Billetted in his or her House, except such of his Majesty's Regular Forces as shall be provided with Winter-Quarters by this Act, more than the following Rates, viz. For a Commission Officer, under the Degree of a Captain, for his Lodging, and Diet of such good and wholesome Food as is usually provided by Ordinary-Keepers in this Province, with small Beer or Cyder, the Sum of Eighteen Pence Current Money per Diem; and for a private Soldier, for his Lodging and Diet as aforesaid, with small Beer, the Sum of One Shilling Current Money per Diem.

XXXII. And be it further Enacted, That all and every of the Officers and Men, to be supported and kept in the Pay of this Province as aforesaid, shall, whilst in the Pay of this Province, by Virtue of this Act, be liable to Martial-Law and Discipline in like Manner, to all Intents and Purposes, as the British Soldiers are by the Statute Laws of Great-Britain, now in Force, and shall be subject to the same Trial, Penalties, and Punishments, except in Cases where it is otherwise provided by this Act.

XXXIII. Provided always, and it shall and may be lawful to and for the Governor or Commander in Chief of this Province, for the Time being, from Time to Time, during the Continuance of this Act, to grant a Commission to any Officer of the said Three Hundred Men, not under the Degree of a Captain, for holding a General Court-Martial within this Province, in which Court-Martial all the Offences committed by any of the Officers or Men, who shall serve under this Act, against the true Intent and Meaning of the Statute or Statutes, now in Force in Great-Britain, relating to Martial-Law and Discipline, and all Offences under this Act not triable elsewhere by the Directions of this Act, shall be tried and proceeded against. Provided also, That no General Court-Martial, which shall have Power to sit by Virtue of this Act, shall consist of a less Number than Seven, whereof none to be under the Degree of a Commission-Officer, and

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the President of such General Court-Martial shall not be under the Degree of a Captain; and that no Sentence of Death shall be given against any Offender by any such General Court-Martial, unless Five of the said Seven, or Two Thirds of a greater Number of Officers present, shall concur therein; nor shall any Sentence of Death, given by such Court-Martial, be carried into Execution, until the Minutes of the Proceedings of such Court-Martial be laid before the Governor or Commander in Chief of this Province, for the Time being, and his Warrant thereupon obtained for the Execution of such Sentence.

XXXIV. And be it further Enacted, That if any Person shall, from and after the End of this Session of Assembly, before the Thirtieth Day of September, Seventeen Hundred and Fifty-eight, harbour or conceal, or assist, any Deserter from the Service aforesaid, knowing him to be such, or shall knowingly buy or exchange, or otherwise receive, any Cloaths, Arms, or Military Accoutrements, from any Soldier in, or Deserter from, his Majesty's Service, or the Service of any of his Colonies in America, the Person so offending shall forfeit, for such Offence, the Sum of Ten Pounds Current Money.

XXXV. And be it further Enacted, That every Person, who, after his Discharge from the said Service, shall produce to the County Court where he shall reside, a Certificate from his Commanding Officer of his good Behaviour therein, and that at the Time of his Enlistment he was able-bodied and fit for the Service (which Certificate the Clerk of the same Court shall record without Fee or Reward) shall be exempted from the Payment of all Manner of Taxes or Levies whatever; as also from the labouring on High-Ways, and from Payment of Ferriages, for the Space of Three Years next after the producing such Discharge or Certificate.

XXXVI. And for the Encouragement of such able-bodied Men as shall adventure their Lives in the Defence, Security or Protection of this Province, under this Act, and shall happen to be maimed, or rendered incapable to get a Livelihood for themselves or Families; Be it Enacted, That every able-bodied Person who shall adventure as aforesaid, shall happen to be maimed, or receive Hurt, in such Service, so as to be incapable of getting a Livelihood as aforesaid, shall, according to his Disability, receive a yearly Pension, to be raised out of the Public Levy of this Province, during the Time of such Disability; the Party petitioning for such Pension or Allowance producing a Certificate, to the County Court where he shall reside, from his Commanding Officer, of his being an able-bodied Person at the Time of his Enlistment, and fit for the Service, how long he may have been in such Service, of his good Behaviour therein, and for what Cause discharged (which Certificate the Clerk of the same Court shall record ex Officio) and likewise producing from the said Court a Certificate to the General Assembly, that he is an Object of Charity, and deserves to have such Pension and Allowance.

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XXXVII. And be it further Enacted, That Mr. William Murdock, Mr. James Dick, and Mr. Walter Dulany, shall be, and are hereby appointed Agents for the purchasing and providing such Cloaths, as the Governor or Commander in Chief of this Province, for the Time being, shall direct, and all other Necessaries for the said Three Hundred Men, and paying all the Sums of Money arising due to them in Virtue of this Act, and all other Charges and Expences that may accrue in Raising, Conveying, Subsisting, Maintaining and Supporting the said Men; the Accounts of which Charges and Expences shall be prov'd according to Law before they shall be paid; and the said Agents are hereby impowered, by Order of his Excellency Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, as the same may become wanting for the Purposes last aforesaid, to call for, demand and receive, from the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly, any Part of said Twelve Thousand Pounds, and lay out and apply the same for the said last mentioned Purposes; which said Sum of Money, or any Part thereof, the said Commissioners or Trustees shall, and they are hereby obliged and required immediately on Demand, and producing such Order, to pay to the said Agents, and regular Accounts thereof keep; and the Receipts of the said Agents, or any Two of Them, shall be, for the said Payments, good and sufficient Vouchers.

XXXVIII. And be it further Enacted, That before the said Agents, or either of them, shall receive any Money by this Act appointed to be paid to them, they and each of them shall take the several Oaths, directed and appointed by Act of Assembly to be taken to the Government, and subscribe the Oath of Abjuration, and repeat and subscribe the Test, before some Justice of the Peace, who is hereby impowered to administer the same; and shall enter into Bond before Two Provincial Magistrates, with good and sufficient Securities, jointly and severally, to the Right Honourable the Lord Proprietary of this Province, each in the Sum of Two Thousand Pounds Current Money, with Condition to the said Bonds in the following Form, viz. The Condition of the above Obligation is such, That if the said   shall and do at all Times, so long as he shall continue in the Office of Agent, for the Purposes mentioned and directed in the Act of Assembly, entituled, An Act for Granting a Supply of Twenty Thousand Pounds for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting Ten Thousand Pounds thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments, well

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and faithfully perform and execute the Duty and Trust reposed in him by the said Act, and do, from Time to Time, render to the General Assembly of this Province, true, just, regular and perfect Accounts of his Transactions and Proceedings in Virtue of the same Act, and of the several and respective Sums of Money by him received from the Commissioners or Trustees for Emitting the Bills of Credit, established by Act of Assembly, and how and for what Particulars the same are laid out and disposed of, as the General Assembly of this Province shall direct, then the said Obligation to be void, else to be and remain in full Force and Virtue.

XXXIX. And be it further Enacted, That in Case of the Death of the said Agents, or either of them, or their or either of their Refusal to execute the Trust aforesaid, that then and in every such Case, it shall and may be lawful to and for the said Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, by Warrant under his Hand, to appoint one or more fit Person or Persons to be Agent or Agents, in the Stead of such Agent or Agents dying or refusing as aforesaid, who shall have all the Powers and Authorities by this Act given to the Agents before nominated and appointed, having first given Bond and Qualified as before directed; which Bond shall be proved, recorded, transmitted and kept as aforesaid; and an attested Copy thereof as aforesaid, to be Evidence as aforesaid.

XL. And be it further Enacted, That the said Agents shall, and they are hereby directed and required to keep fair, distinct and regular Accounts of all such Sums of Money as they shall receive in Virtue of this Act, and how the same has been paid, applied and expended; and the same shall deliver in compleat and upon Oath, on or before the Third Day of every Session, to the General Assembly of this Province. And the said Agents, for their Trouble in executing and performing their Duty by this Act required, shall and may retain in their Hands a Commission of Two Pounds per Centum, and no more, on all such Sums of Money as they shall receive, apply and expend, as aforesaid.

XLI. And whereas it is thought needful, more especially at this Time of imminent Danger, to cultivate the Friendship, and engage the Assistance of the Southern Tribes of Indians against his Majesty's Enemies, and establish them in the British Interest; Be it therefore Enacted, That a Sum or Sums not exceeding Two Thousand Pounds, shall be drawn for and received by the said Agents, out of the Hands of the Commissioners or Trustees aforesaid; which said Sum or Sums the said Commissioners or Trustees shall, and they are hereby obliged and required immediately on Demand to pay to the said Agents, and regular Accounts thereof keep: And the said Agents shall, and they are hereby directed to lay out the said Sum of Two Thousand Pounds, retaining a Commission of Two

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Pounds per Centum, in the purchasing or sending to England for, as they may think most advantageous, such Goods as they shall judge may be most acceptable to the said Indians, and to lodge them in some convenient and secure Store-House in Frederick-Town; and when and as often as any Party or Parties for the aforesaid Tribes of Indians shall come into this Province, and engage in any Service against the Common Enemy, the said Agents shall, and they are hereby directed and required, upon the Return of such Party or Parties to Fort Frederick, to distribute among them such a Quantity of the said Goods as his Excellency Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, shall judge an ample Reward for their respective Services, and by Order under his Hand shall direct and appoint; and Accounts thereof upon Oath, lay before the General Assembly at the next Session which shall happen after such Distribution.

XLII. And for the providing Winter-Quarters for those of his Majesty's Regular Forces that may be ordered into this Province for Quarters for the now ensuing Winter, at the City of Annapolis, Baltimore-Town, London-Town, Chester-Town, Frederick-Town in Frederick County, Frederick and George-Town in Kent and Cæcil Counties, and Charles-Town, being the most convenient Places for that Purpose; Be it Enacted, That the following Persons be, and are hereby constituted and appointed Commissioners for providing such Quarters; That is to say,

For the City of Annapolis, Mr. James Maccubbin, Mr. James Johnson.

For Baltimore-Town in Baltimore County, Mr. Brian Philpot, Mr. Nicholas Rogers.

For London-Town, Mr. Thomas Gassaway, Mr. Samuel Chapman.

For Chester-Town, Mr. Thomas Garnett, Mr. John Hynson, junior.

For Frederick-Town in Frederick County, Mr. Thomas Beatty, Mr. John Middau.

For Frederick and George Towns, in Kent and Cæcil Counties, Mr. William Rasin, Mr. John Cooper.

For Charles Town in Cæcil County, Mr. Edward Mitchell, Mr. John Wilkinson.

XLIII. And be it further Enacted, That the said Commissioners for the Places aforesaid, after they have taken the several Oaths to the Government (or affirm to the Effect thereof if a Quaker) directed and appointed to be taken by Act of Assembly of this Province, and subscribed the Oath of Abjuration, and repeated and subscribed the Test, before some Justice of the Peace, who is hereby impowered and required to administer the same Oaths or Affirmation, shall, and are hereby required to contract and agree

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respectively, for the Places for which they are nominated and appointed, with any of the private House-Keepers or Ordinary-Keepers, dwelling within or near and convenient to the Towns and Places aforesaid, for the finding and providing good and convenient Lodging, Firing, Candles, Vinegar, Salt, and small Beer or Cyder not exceeding Two Pints per Diem for each Man, and the necessary Utensils for dressing and eating their Meat, for the said Forces, at such Rate as they the said Commissioners, or any one of them, in Case of Sickness or other Inability in the other, can agree for, so that the said Rate exceeds not the Sum of Six Pence for each private Soldier per Diem.

XLIV. And be it further Enacted, That in Case a sufficient Number of private House-Keepers or Ordinary-Keepers, shall not be found at or near and convenient to the Places aforesaid, willing to contract and agree to take in, lodge and provide for, the whole Number, or any Part of the Forces, ordered to the Places aforesaid, that then and in such Case, the Commissioners for the Places aforesaid shall and they are hereby required, for the Purpose aforesaid, to agree for, take up, and rent, any Dwelling-Houses they shall find empty and not tenanted, and shall think proper, at or near and convenient to the Places aforesaid, and in the best, easiest and cheapest Manner, purchase and provide, or contract for the purchasing and providing, convenient Bedding, Firing, Candles, Vinegar, Salt, and small Beer or Cyder not exceeding Two Pints per Diem for each Man, and the necessary Utensils for dressing and eating their Meat, for the whole Number of Forces ordered to the respective Places aforesaid, or for such Part of the said Number as shall be and remain uncontracted for with the private House-Keepers or Ordinary-Keepers, in or near and convenient to the respective Towns for which they shall be appointed and nominated Commissioners.

XLV. And be it further Enacted, That in Case the Owners or Possessors of the Dwelling-Houses, empty and untenanted as aforesaid, shall refuse to agree with the Commissioners aforesaid, for the said Houses, or refuse to let the said Houses for the Purpose aforesaid, or demand what, by the Commissioners, or any one of them, in Case of Sickness or other Inability of the other, shall be thought an exorbitant or extravagant Rent, that then and in such Case the Commissioners aforesaid are hereby required and impowered to nominate and appoint one good and sufficient Person, being a Freeholder and Inhabitant of the respective Town, for which they are nominated and appointed to act as Commissioners aforesaid, or residing near thereto, and the Owner or Possessor of such empty Dwelling-House one other such good and sufficient Person, and in Case the said Owner or Possessor shall be a Minor, or Non-Resident of the respective County, or shall refuse to nominate one, then the said Commissioners, or any one of them, in Case of Sickness or other

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Inability of the other, are required and hereby impowered to nominate both the said Persons to determine what shall be an adequate or reasonable Rent or Allowance by the Month for such Dwelling-House; and in Case the Two Persons, so as above nominated and appointed, shall differ or disagree on what shall be a reasonable Allowance or Rent for such House, then the two Persons, so nominated and appointed as aforesaid, are hereby required and impowered to nominate one other good and sufficient Person, being a Freeholder and Inhabitant of the said Town, or residing near thereto, who shall act as Umpire, and determine what shall be a reasonable Rent or Allowance per Month for such House; and the Commissioners aforesaid respectively are hereby authorized and impowered to enter into, occupy and use the said House, for the Purpose aforesaid, and to pay and allow to the said Owner or Possessor the Rent or Allowance so as above determined and fixed on, for the Use and Occupation of the said House per the Month, and pro Rato for any Part of a Month they shall think it necessary to use and occupy the said House for the Purposes aforesaid.

XLVI. And be it Enacted, That if the Commissioners aforesaid, or any one of them, in Case of Sickness or other Inability in the other, shall judge it necessary to have any Repairs made to the Houses, by them taken up as aforesaid, for the convenient Lodging the said Regular Forces, then he or they shall require the Owners or Possessors of the said Houses to make the said Repairs; and in Case the said Owners or Possessors be Minors, or Non-Residents as aforesaid, or shall refuse to make the said Repairs, then the said Commissioners, or any of them, in Case of Sickness or other Inability in the other, is or are hereby authorized and directed immediately to employ Workmen to make the said Repairs, by him or them thought necessary, so that the Value of such Repairs shall not exceed Two Months Rent or Allowance for the Use and Occupation of the said Houses; and in Case the said Commissioners and the Owners or Possessors of such Houses, shall differ and disagree in the Value of the Repairs, so as aforesaid made by the said Commissioners, or one of them, in Case of Inability as aforesaid, that then the said Value shall be settled and determined in the same Manner as the Rent for such Houses is herein before directed to be determined in Case of Disagreement between the Owners or Possessors and the Commissioners; the Amount of the Value of which said Repairs, the said Commissioners, or either of them, in Case of Inability as aforesaid in the other, shall deduct and retain out of the Rent of the Houses, which they shall so have repaired.

XLVII. And be it Enacted, That it shall not be lawful for any the Commissioners for the respective Towns aforesaid, to quarter or provide for any of the Wives, Children, or Maid Servants, of any Officer or Soldier, at the Expence of this Province.

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XLVIII. And be it further Enacted, That in Case any of the Persons herein before nominated and appointed to act as Commissioners for the Towns aforesaid, shall refuse to act, or shall die, then his Excellency Horatio Sharpe, Esq; or the Governor or Commander in Chief in and over this Province, for the Time being, shall nominate and appoint one other Person in the Room of the Person so refusing or dying; which Person, so nominated and appointed, shall have all the Powers and Authorities by this Act given to the Persons herein before nominated, and shall follow all the Directions by this Act mentioned and required.

XLIX. And be it further Enacted, That the said Commissioners for providing Quarters, shall, and they are hereby authorized and impowered, by Orders under all or Two of their Hands respectively, to draw for or order, out of the Hands of the Commissioners or Trustees aforesaid, when necessary for the Purposes aforesaid, any Sum or Sums of Money not exceeding, in the Whole, the Sums herein after specified and mentioned, to be by them respectively drawn for; That is to say,

The Commissioners for the City of Annapolis, for a Sum not exceeding Six Hundred Pounds Current Money.

The Commissioners for Baltimore-Town, in Baltimore County, for a Sum not exceeding Six Hundred Pounds.

The Commissioners for London-Town, for a Sum not exceeding Three Hundred Pounds.

The Commissioners for Chester-Town, for a Sum not exceeding Three Hundred Pounds.

The Commissioners for Frederick-Town, in Frederick County, for a Sum not exceeding Six Hundred Pounds.

The Commissioners for Frederick-Town, in Cæcil County, and George-Town, in Kent County, for a Sum not exceeding Three Hundred Pounds.

The Commissioners for Charles-Town, for a Sum not exceeding Three Hundred Pounds.

L. And the said Commissioners or Trustees, are hereby required forthwith to answer and make Payments of such Orders, and a distinct and regular Account thereof keep, and the said Orders by them shewn and delivered in to the Committee aforesaid, shall be sufficient Vouchers for the Payments so by them made.

LI. And be it further Enacted, That in Case any Part of the said Money, drawn for and received from the Commissioners or Trustees aforesaid, shall not be expended in the Purposes aforesaid, that then the Commissioners, nominated and appointed by this Act, receiving the same, shall, and are hereby required and obliged to refund and pay back to the said Commissioners or Trustees, such Part of the said Money as shall be and remain in their respective Hands so unexpended in the Purposes aforesaid.

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LII. And be it Enacted, That the said Commissioners shall, and they are hereby authorized and required, upon the Departure of the said Forces from their Winter-Quarters in any of the Towns aforesaid, to take into their Possession all the Utensils that they or any of them, may have provided for the Use of the said Forces by the Direction of this Act, and to deposite them in the Magazines of their respective Counties, for the Use of the Public.

LIII. And be it further Enacted, That the Commissioners for Quartering the Soldiers, by this Act nominated and appointed for each respective Town aforementioned, shall, for their Care and Trouble in faithfully executing their Trust, retain to themselves a Commission of Two and an Half per Cent. on all Monies which they shall receive and expend, according to the Directions of this Act, and no more.

LIV. And be it further Enacted, That the said Commissioners shall, at every Session of Assembly to be held for this Province, next after their Receipts of any Sums of Money for the Purposes aforesaid, on the Fourth Day thereof, render and deliver to such Assembly, full, clear and regular Accounts on Oath, or Affirmation if a Quaker, of all Monies by them received in Virtue of this Act, and of the Application and Disposition of the same.

LV. And for the repaying and replacing the said Sums of Two Thousand Pounds, and Five Thousand Nine Hundred and Eighty-four Pounds Fourteen Shillings, in the Loan-Office, and for drawing into the said Office the Sum of Twelve Thousand and Fifteen Pounds Six Shillings, and sinking the Whole; Be it Enacted, by the Authority, Advice, and Consent aforesaid, That all and every Person or Persons within this Province respectively, having any Estate in ready Money, or having any Estate in Goods, Wares, Merchandizes, or other Chattels, or Personal Estate whatsoever (Debts excepted) within this Province, belonging to or in Trust for them, shall yield and pay to the respective Collectors appointed by this Act, the Sum of One Shilling in the Pound, according to the true yearly Value thereof for One Year; That is to say, For every One Hundred Pounds of such ready Money, and for every One Hundred Pounds Worth of such Goods, Wares, Merchandizes, or other Chattels, or Personal Estate as aforesaid, as the same would sell for in ready Money, the Sum of Five Shillings, and so after that Rate for every greater or lesser Sum or Quantity, to be assessed, levied, and collected, in Manner hereafter mentioned; and that all and every Person or Persons, and all and every Commissioner and Commissioners within this Province, having, using or exercising any Public Office, Benefice, or Employment of Profit, within this Province, and all

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and every their Clerks, Agents, Substitutes, Deputies, and other inferior Ministers whatsoever (hired Clerks who do not act by Commission, in respect of the Wages they receive for their Hire, only excepted, and such Military Officers who shall be in Pay in his Majesty's Army, or in the Pay of this Province, in respect of such Offices only excepted) shall yield and pay unto the respective Collectors aforesaid, the Sum of One Shilling for every Twenty Shillings, or the Value thereof in any Species or Commodities whatever, which he or they do receive in One Year, by Virtue of any Salaries, Gratuities, Rewards, Fees, Profits, Perquisites, and Advantages whatsoever, to him or them accruing, for or by Reason or Occasion of such their several Offices, Benefices, or Employments; and that all and every Person or Persons within this Province, having any Annuity, Pension, Stipend, or other yearly Payment, payable or secured to be paid by any Person or Persons whatsoever in this Province (not being or issuing out of any Lands, Tenements, and Hereditaments, or chargeable upon the same, touching which other Directions are given by this Act) shall yield and pay unto the respective Collectors aforesaid, the Sum of One Shilling for every Twenty Shillings, or the Value thereof in any Species or Commodities whatever, which he, she, or they, do receive in One Year, by Virtue of every such Annuity, Pension, Stipend, or yearly Payment respectively; the said several Rates and Sums of Money, to be assessed, imposed, levied and collected, in such Manner as hereafter is mentioned. And that all and every Person or Persons practising Law or Physic within this Province, and all and every Factor within this Province, trading or using Commerce within the same, shall yield and pay unto the respective Collectors aforesaid, the Sum of One Shilling in the Pound, according to the true yearly Value of what he or they do receive in One Year, by Virtue of any Rewards, Fees, Profits, Commissions, or Advantages whatsoever, to him or them accruing, for or by Reason or Occasion of such their several Professions or Factorage for One Year; That is to say, For every One Hundred Pounds, or the Value thereof of such Rewards, Fees, Profits, Commissions, or Advantages whatsoever, to him or them accruing, for or by Reason or Occasion of such their several Professions or Factorage, the Sum of Five Shillings, and so after that Rate for every greater or lesser Sum, or the Value thereof, to be assessed, levied, and collected, in such Manner as hereafter is mentioned.

LVI. And whereas great Part of the Lands in this Province are uncultivated, by Reason whereof the same is of no present annual Value to the Owners and Proprietors thereof, tho' the Fee-Simple of the same would sell for very considerable Sums of Money, and are therefore intended by this Act to be charged with a Pound-Rate, in the same Manner that cultivated and improved Lands are; Be it therefore Enacted and Declared by the Authority aforesaid, That all and every the Messuages, Manors, Lands, and Tenements, and also all Mines of Lead, Copper, Iron, and other Mines, Furnaces, Forges, and other Iron-Works, Tolls, Annuities, and other yearly Profits, and all Hereditaments, of what Nature or Kind soever they be, situate, lying and being within this Province, shall be and are hereby charged, for One Year only, with the Sum of One Shilling for every Twenty Shillings of the yearly Value, and so after that Rate for every greater or lesser Value; and that such yearly Value shall be settled and ascertained by the Assessors hereafter mentioned, after the Rate of One Shilling for every Twenty Shillings that the Fee-Simple of the said Messuages, Manors, Lands, Tenements, and other the Premisses, would sell for in ready Money; That is to say, For every One Hundred Pounds that the same would sell for in ready Money, the Sum of Five Shillings, and so after that Rate for every greater or lesser Sum; and that all and every such Person or Persons, having or holding any Messuages, Manors, Lands, Tenements, Hereditaments, or any other the said Premisses, shall yield any pay to the respective Collectors appointed by this Act, the Sum of One Shilling for every Twenty Shillings of the yearly Value of the said Messuages, Lands, Tenements, and Hereditaments, and other the Premisses, to be settled and ascertained as aforesaid; which said Sum of One Shilling for every Twenty Shillings of the yearly Value, to be settled and ascertained as aforesaid, shall be assessed, levied, and collected, in such Manner as is hereafter mentioned. Provided always, and it is hereby declared, That nothing herein contained shall be construed to extend to those unhappy People, who have been, or hereafter shall be, obliged to desert their Settlements through Danger from the French, or their Indian Allies, so far as the same relates to the Rates and Assessments on the Messuages, Lands, Tenements, or Hereditaments, which have been, or hereafter shall be, deserted, but that they shall be exempted and discharged from the Payment of any Rates or Assessments on such Lands, Tenements, or Hereditaments.

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LVII. And whereas many of the Messuages, Manors, Lands, Tenements, Hereditaments, and Premisses in this Province, intended by this Act to be charged with the Pound-Rate as aforesaid, stand incumbered with, and are subject and liable to the Payment of several Rents, Annuities, or other annual Payments, issuing out of the same, or to the Payment of Rents thereupon reserved or charged, by Reason whereof the Owners, Occupiers and Proprietors of such Messuages, Manors, Lands, Tenements, and Hereditaments, do not in Truth receive to their own Use the true yearly Value of the same, for which, nevertheless, they are by this Act chargeable with a Pound-Rate; It is therefore Enacted and Declared by the Authority aforesaid, That it shall and may be lawful to and for the Owners,

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Occupiers and Proprietors of such Messuages, Manors, Lands, Tenements, Hereditaments, and other the Premisses, within this Province, being charged with a Pound-Rate as aforesaid, to abate, deduct, and to retain and keep in his, her or their Hands, out of every such Rent or other annual Payment, so much of the said Pound-Rate as shall be taxed or assessed upon the said Messuages, Manors, Lands, Tenements, Hereditaments, and Premisses, as a like Pound-Rate for every such Rent or other annual Payment respectively, shall, by a just Proportion, amount unto; That is to say, Out of every Twenty Shillings of such Rent, Annuity, or other annual Payment, the Sum of One Shilling, and so after that Rate for a greater or lesser Sum; and all and every Person or Persons, who are or shall be any Ways entitled to such Rents or annual Payments, their respective Agents, Receivers, and Deputies, are hereby required to allow such Deduction and Payments, according to such Rates, or the full Value thereof, upon the Receipt of the Residue of such Monies or other Species, in which such Rent as aforesaid, may be reserved or charged, as shall be due and payable to them for such Rents or annual Payments reserved or charged as aforesaid.

LVIII. And be it further Enacted, That if the Person or Persons, who are or shall be entitled to such Rents or other annual Payment, their respective Agents, Receivers, or Deputies, shall distrain for, molest or vex, any Proprietor, Owner or Tenant of such Lands or Tenements aforesaid, for any Sum or Sums of Money, or other Species, in which Rent may be reserved or charged, which, by the true Intent and Meaning of this Act, ought to be retained, deducted and allowed, or shall refuse, neglect or delay, to allow and discharge the same in the proper Accounts, wherein the same ought to be allowed or discharged, that then, and for every such Offence, every such Person as aforesaid, shall forfeit the Sum of Twenty Pounds Current Money to the Party grieved, to be recovered by Action of Debt, or on the Case. Provided always, and it is hereby Enacted and Declared, That the Tenants or Occupiers of any Messuages, Manors, Lands, Tenements, Hereditaments, and other Premisses, within this Province, who hold the same by Parole Lease only, or as Tenants at Will, or by Lease in Writing for any Term under Seven Years, shall not be chargeable with any Pound-Rate for the same, but that the respective Lessors of such Messuages, Manors, Lands, Tenements, and other Premisses, shall be chargeable with the said Pound-Rate; and that the same shall be assessed, levied and collected from the respective Lessors, in the same Manner as it would have been if no such Lease or Demise had been made.

LIX. And be it further Enacted, That all and every Person or Persons within this Province, being indebted at the Time he, she, or they, shall be assessed as aforesaid, by Judgment, Mortgage, Bond, Bill, Note, Agreement, Book-Debt, or by any other Ways or Means,

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in any Sum or Sums of Money or Tobacco, or any Commodity whatever, shall, for the better enabling him, her, or them, to pay and bear the Rates and Assessments herein before respectively imposed upon him, her, or them, be allowed, by Virtue of this Act, after the Rate of Five Shillings for every One Hundred Pounds of all such Sum or Sums of Money, or the Value thereof in Tobacco or any Commodity whatever, which he, she, or they, shall be so indebted at the Time he, she, or they, respectively shall be assessed, by his, her, or their respective Creditor or Creditors, out of the said Debts, so as aforesaid by him, her, or them, owing as aforesaid, and may and are hereby enabled to deduct, retain and discount the same; any Agreement, Bond, Condition, Provision, or other Obligation, to the contrary in any wise notwithstanding. And all and every Person or Persons, who are or shall be any Ways entitled to such Money, Tobacco, or Commodities, are hereby required to allow such Deductions, upon the Receipt of the Residue of such Money, Tobacco, or Commodities, as shall be due and payable to them as aforesaid: And the said Debtors are hereby saved harmless from any further Payment of the said Money, Tobacco, or other Commodity, so as aforesaid to be deducted, as fully and amply as if the same had been paid to such Creditor or other Person, to whom the same would otherwise have been due and payable.

LX. And be it further Enacted, That if any Creditor or Creditors, who are or shall be entitled to such Money, Tobacco, or Commodity whatever, their respective Agents, Receivers, or Attorneys, shall refuse, neglect or delay, to allow and discharge the said Money, Tobacco, or other Commodity, so as aforesaid to be deducted in the proper Account, in which the same ought to be allowed and deducted, that then, and for every such Offence, every such Person as aforesaid, shall suffer and be liable to the same Pains and Penalties, as in Case of excessive Usury, to be recovered in the same Manner, and to be applied as herein after directed.

LXI. And whereas considerable Quantities of ready Money, Goods, Wares, Merchandizes, and other personal Estate (Debts excepted) Messuages, Lands, and Tenements, Mines of Lead, Copper, Iron, and other Mines, Furnaces, Forges, and other Iron-Works, Tolls, Annuities, and other yearly Profits and Hereditaments, within this Province, do or may belong to Persons residing without the same, either as their sole Property, or in Company with others; and as it is equitable, that, towards the Defence and Security thereof, they should be rated and assessed equal with the Property of Persons resident within the Province; Be it therefore Enacted by the Authority aforesaid, That all such ready Money, Goods, Wares, Merchandizes, and other Personal Estate (Debts excepted) Messuages, Lands, and Tenements, and other the Premisses aforesaid, shall be charged with a Pound-Rate, as herein before directed, in the same

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Manner as they might or ought to be charged by Virtue of this Act, in Case the same were the Property of any Person or Persons residing within this Province; and all and every the Assessors, directed to be chosen or appointed by this Act, shall, and they are hereby required to inform themselves, by all lawful Ways and Means, of the Names and Sir-Names of all and every the Factors, Attorneys, Agents, Store-Keepers or Managers of all and every the said Person or Persons residing without this Province as aforesaid, dwelling or residing in the District or Division with which they are charged; and shall proceed to assess all and every such Factor, Attorney, Agent, Store-Keeper or Manager, for such ready Money, Goods, Wares, Merchandizes, and other personal Estate (Debts excepted) Messuages, Lands, Tenements, and other the Premisses, as shall be committed to his Care and Management, in the same Manner and Proportion, and in all Respects act and do therein, as if the said ready Money, Goods, Wares, Merchandizes, and other Personal Estate, Messuages, Lands, Tenements, and other the Premisses, were the Property of such Factor, Attorney, Agent, Store-Keeper or Manager; and the several and respective Collectors by this Act appointed, shall, and they hereby are impowered, to demand, levy and collect, in the Manner herein after directed, of and from every such Factor, Attorney, Agent, Store-Keeper or Manager, all such Rates and Sums of Money as shall be assessed thereon.

LXII. And whereas all the Messuages, Manors, Lands, Tenements, Hereditaments, and Premisses, intended by this Act to be charged with the Pound-Rate as aforesaid, are subject and liable to the Payment of a Quit-Rent to the Right Honourable the Lord Proprietary of this Province; and whereas the Manors or Lands laid out for or reserved, and which are leased out by the Lord Proprietary, and intended by this Act to be charged with the Pound-Rate, are subject and liable to the Payment of a Rent or Rents thereupon reserved, by Reason whereof the respective Tenants and Occupiers of the said Manors or Lands, do not in Truth receive to their own Use the true yearly Value of the same, for which, nevertheless, they are by this Act chargeable with the Pound-Rate; It is therefore Enacted and Declared by the Authority aforesaid, That it shall and may be lawful to and for the Proprietors and Owners of such Messuages, Manors, Lands, Tenements, Hereditaments, and Premisses, subject and liable to the Payment of a Quit-Rent as aforesaid, being charged with a Pound-Rate as aforesaid, to abate and deduct, and to retain and keep, in his, her or their own Hands, out of every such Quit-Rent, so much of the said Pound-Rate as shall be taxed or assessed upon the said Messuages, Manors, Lands, Tenements, Hereditaments, and Premisses, as a like Rate for every such Quit-Rent respectively shall, by a just Proportion, amount unto; That is to say, Out of every Twenty Shillings of the said Quit-Rent, the Sum of One

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Shilling, and so after that Rate for every greater or lesser Sum; and his said Lordship's Agent or Receiver-General, and all and every Person or Persons, who are or shall be any Ways impowered to receive the said Quit-Rent for the Use of the said Lord Proprietary, are hereby required to allow such Deduction and Payments, according to such Rates, upon the Receipt of the Residue of such Monies, as shall be due and payable to them for such Quit-Rent.

LXIII. And it is hereby further Enacted, That it shall and may be lawful for all and every the respective Tenants, who hold by Lease or Demise, any Part or Parcel of his said Lordship's Manors or Lands, within this Province, being charged with a Pound-Rate as aforesaid, to abate and deduct, and to retain and keep, in his, her or their own Hands, out of every such Rent reserved, so much of the said Pound-Rate as shall be taxed upon the said Lands, to him or them respectively demised, as a like Rate for every such Rent respectively shall, by a just Proportion, amount unto; That is to say, Out of every Twenty Shillings of the said Rent, the Sum of One Shilling and so after that Rate for every greater or lesser Sum; and his said Lordship's Receiver-General, and all and every other Person or Persons, who are or shall be any Ways impowered to receive the said reserved Rent, for the Use of the said Lord Proprietary, are hereby required to allow all such Deductions and Payments according to such Rates, upon the Receipt of the Residue of such Monies, as shall be due and payable to them for such reserved Rent.

LXIV. And be it further Enacted, That if his Lordship's Agent or Receiver-General, or any Person or Persons, who are or shall be impowered to receive or collect the said Quit-Rents or other annual Rents reserved on such leased or demised Lands, shall distrain for, molest or vex, any Proprietor, Owner or Tenant of such Lands or Tenements as aforesaid, for any Sum or Sums of Money, which, by the true Intent and Meaning of this Act, ought to be retained, deducted and allowed, or shall refuse, neglect or delay, to allow and discharge the same in the proper Accounts, wherein the same ought to be allowed or discharged, that then, and for every such Offence, every such Agent or Receiver-General, or Person as aforesaid, shall forfeit the Sum of Twenty Pounds Current Money to the Party grieved, to be recovered by Action of Debt, or on the Case, with full Costs.

LXV. And be it further Enacted by the Authority aforesaid, That for the better assessing, ordering, levying and collecting of the several Sums of Money, so as aforesaid limited and appointed to be paid; and for the more effectual putting this Act in Execution, the following Persons, in and for the several and respective Counties hereafter named, shall be Commissioners for putting this present Act in Execution; That is to say,

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For Saint Mary's County, Capt. Zachariah Bond, Capt. Justinian Jordan, Mr. John Llewellin.

For Kent County, Col. Richard Lloyd, Mr. John Bordley, and Mr. Simon Wilmer.

For Anne-Arundel County, Mr. Thomas Sprigg, Mr. Henry Hall, and Mr. Philemon Dorsey.

For Calvert County, Mr. David Arnold, Mr. Benjamin Hance, Mr. James Somerville.

For Charles County, Capt. John Stoddert, Mr. Bayne Smallwood, and Mr. Walter Hanson.

For Somerset County, Mr. William Waters, Mr. Arnold Elzey, junior, and Mr. Samuel Handy, Son of John.

For Talbot County, Mr. Henry Hollyday, Mr. James Lloyd, and Mr. William Trippe.

For Dorchester County, Major Henry Travers, Mr. Thomas M'Keel, and Mr. Alexander Frazier.

For Baltimore County, Mr. John Paca, Major Thomas Franklin, and Mr. Joseph Taylor.

For Cæcil County, Colonel Peter Bayard, Mr. Andrew Pearce, and Mr. Elihu Hall.

For Prince-George's County, Mr. Robert Bradley, Mr. Thomas Williams, and Mr. Joseph Belt, junior.

For Queen-Anne's County, Mr. Nathan Wright the Elder, Mr. John Emory, junior, Mr. Richard Tilghman Earle.

For Worcester County, Capt. Adam Spence, Capt. John Selby, and Capt. Thomas Handy.

For Frederick County, Mr. Nathan Magruder, Major Joseph Wood, and Mr. Samuel Richardson.

LXVI. Which said Commissioners, so as aforesaid nominated and appointed, shall meet together at the Court-House of each respective County, for which they are appointed Commissioners as aforesaid, on or before the Second Day of January next ensuing, and afterwards as often as it shall be necessary for putting so much of this Act in Execution as is hereby committed to their Care and Charge; and the said Commissioners, or any Two of them, at their said Meeting, shall and may divide their respective Counties by Hundreds, into as many Districts or Divisions as they shall think most proper and convenient, for making the Assessments hereby directed; and after such Division made, shall also at their said Meeting appoint a Time, not less than Ten, or more than Fifteen Days after their said Meeting, for the Inhabitants and Freeholders of the said County to meet at the Court-House of their respective Counties, to elect and choose Two of the Freeholders and Inhabitants of each respective District or Division in their said Counties, to be Assessors

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of the Rates and Sums of Money by this Act imposed; and shall also then and there make an Entry in a Book, to be kept by them for that Purpose, of the Time and Place appointed for the said Election; and shall, as soon as conveniently may be after the said Appointment, give Notice to the Inhabitants of their respective Counties of the Time and Place appointed for the said Election, by causing Notes thereof to be set up at the said Court-House, and at all Churches, Chappels, and other Public Places, in the said County, in which Notes shall be expressed of what Hundred or Hundreds each District or Division does consist. And the said Commissioners, or the major Part of them, are hereby authorized and required, at the Time appointed for the said Election, to meet at the Court-House of their respective Counties, and then and there take the Votes of such of the Freemen of their said respective Counties, who have within the said County a Freehold of Fifty Acres of Land, or have a visible Estate of Forty Pounds Sterling at the least, as shall be then present, for Two Freeholders and Inhabitants of each respective District or Division (not being a Member or Members of either House of Assembly of this Province, or Person or Persons practising Law or Physic): And such Persons who shall be chosen for each District or Division, by the Majority of Votes, shall be and are hereby declared to be Assessors of the Rates and Sums of Money by this Act imposed, whether such Persons be present or absent. And that after such Election, the said Commissioners shall enter in the Books, to be kept by them as aforesaid, the Names of the Persons chosen Assessors for each District or Division within their respective Counties.

LXVII. And it is hereby further Enacted, That the said Commissioners, or any Two of them, shall be Judges of the said Election, and shall have the like Power and Authority to carry on the same, as the respective Sheriffs of this Province have by Law, to carry on an Election of Delegates to serve in the General Assembly thereof, and are hereby authorized to administer any Oath or Oaths, Affirmation or Affirmations, that may lawfuly be required of any Elector of a Delegate to serve in the General Assembly of this Province, before they admit such Person or Persons to vote for an Assessor or Assessors.

LXVIII. And it is hereby further Enacted, That the said Commissioners shall immediately after the Election of the said Assessors, appoint and prefix a certain Day and Place for the said Assessors to appear before them, not exceeding Ten Days after their said Election, of which Day Notice shall be given by the said Commissioners to each Assessor within Five Days after such Election; and at such their Appearance, the said Commissioners, or any Two of them, shall openly read or cause to be read, the several Rates and Assessments in this Act mentioned, and openly declare to them how

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and in what Manner they ought to make their said Assessments, and in what Form their Certificates are to be returned, and how they ought to proceed in the Execution of this Act, according to the true Meaning of the same: And after such Charge given as aforesaid, the said Commissioners shall also appoint and prefix a certain Day and Place, not less than Seven Weeks, or more than Two Months next after such Charge given, for the said Assessors to appear before them, and bring in their Assessments in Writing; and the said Assessors are hereby required and enjoined to inform themselves, by all lawful Ways and Means, of the Names and Sir-Names of every Person dwelling or residing in the District or Division with which they are respectively charged, and of the ready Money, Goods, Chattels, and Personal Estate (Debts excepted) of every of them, and of the Names and Sir-Names of every Person dwelling in the said District or Division, practising Law or Physic, Trading, Merchandizing, or using Commerce, as Factor or Agent for any Person or Persons, and of what they respectively make in One Year by their said Practice or Factorage; and of the Public Offices, Benefits and Employments, and of the Annuities and Pensions of them and every of them, and of the yearly Value of all Messuages, Lands, and Tenements, Mines of Tin, Lead, Iron and other Mines, Furnaces, Forges and other Iron-Works, Tolls, or other Hereditaments, of what Nature or Kind soever, situate, lying and being within the said District or Division, with which they are charged, to be settled and ascertained as herein before directed; and being so thereof ascertained, they are to assess all and every the said Persons, dwelling and residing in the said District or Division with which they are charged, For every One Hundred Pounds of such ready Money, and for every One Hundred Pounds Worth of such Goods, Wares, or Merchandizes, or other Chattels or Personal Estate (Debts excepted) the Sum of Five Shillings in Bills of Credit, and so after that Rate for every greater or lesser Sum, or Quantity; and also for every such Public Office, Benefice or Employment of Profit, within this Province, the Sum of One Shilling for every Twenty Shillings, or the Value thereof in and other Specie or Commodity, which he or they do receive in One Year, by Virtue of any Salaries, Gratuities, Rewards, Fees, Profits, Perquisites and Advantages whatsoever, to him or them accruing, by Reason or Occasion of such their several Offices, Benefices or Employments; and also for every such Annuity, Pension, Stipend or other yearly Payment, payable or secured to be paid by any Person whatsoever within this Province (not being or issuing out of any Lands, Tenements or Hereditaments, or chargeable upon the same) the Sum of One Shilling for every Twenty Shillings by the Year, for every such Annuity, Pension, Stipend or yearly Payment respectively; and also for all and every such Messuages, Manors, Lands and Tenements; and also for all such Mines of Lead, Copper, Iron and

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other Mines, Furnaces, Forges and other Iron-Works, Tolls and other yearly Profits, and all Hereditaments, of what Nature or Kind they be, situate, lying and being within the said District or Division, with which they are charged, the Sum of One Shilling for every Twenty Shillings of the yearly Value, to be settled and ascertained as aforesaid, and so after that Rate for every greater or lesser yearly Value. And also all and every Person or Persons, dwelling and residing in the District or Division with which they are charged, practising Law or Physic, or Trading, Merchandizing, or using Commerce, as a Factor or Agent for any Person or Persons as aforesaid, within this Province, for every Hundred Pounds, or the Value thereof of such Rewards, Fees, Profits, or Advantages whatsoever, to him or them accruing, for or by Reason or Occasion of such their several Professions or Merchandizing as aforesaid, for One Year, the Sum of Five Shillings, and so after that Rate for every greater or lesser Sum, or Quantity, or the Value thereof: And to bring with them, at the Time and Place so affixed for their Appearance, a Certificate in Writing of the said Assessment, wherein shall be inserted the Names and Sir-Names of every Person dwelling and residing in the said District or Division, and the Value of the Money, Goods, Chattels and Personal Estate (Debts excepted) of every of them, and the Sum of Money assessed thereon, and the yearly Value of each Public Office, Benefice or Employment of Profit, enjoyed by every of them, within this Province, at the Time of taking the said Assessment, and the Sum of Money assessed thereon; and the yearly Value of every Annuity, Pension, Stipend or other yearly Sum, payable or secured to be paid as aforesaid, to every of them within this Province, at the Time of taking the said Assessment, and the Sum of Money assessed thereon; and also the yearly Value of all and every the Messuages, Manors, Lands and Tenements, Mines of Lead, Copper and Iron, and other Mines, Furnaces, Forges and other Iron-Works, Tolls and Hereditaments, of what Nature or Kind they be, situate, lying and being in the said District or Division with which they are charged as aforesaid, and every of them, as the same are valued at, to be settled after the Rate of One Shilling for every Twenty Shillings that the Fee-Simple of the said Messuages, Manors, Lands, Tenements and other the Premisses, would sell for in ready Money, at the Time of taking the said Assessment, and the Sum of Money thereon assessed; and also the Value of what all and every Person or Persons, dwelling and residing in the said District or Division with which they are charged, practising Law or Physic, or Trading, Merchandizing, or using Commerce as aforesaid, within this Province, and every of them, do make and receive in One Year, at the Time of taking the said Assessment, and the Sum of Money thereon assessed.

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LXIX. And be it further Enacted, That every single Man, whose Personal Estate is not valued at One Hundred Pounds, shall be assessed the Sum of Five Shillings in Bills of Credit, in Lieu of all Assessments to be made on his said Personal Estate in Virtue of this Act. Provided always, and it is hereby Enacted, That the said Assessors shall not assess any Man that has Two or more Children, whose Real and Personal Estate, at the Time of taking the said Assessment, shall not be worth Fifty Pounds, or any Man having less than Two Children, whose Real and Personal Estate at the Time of taking the said Assessment, shall not be worth Forty Pounds, or any single Man, who, at the Time of their Assessment, is under the Age of Twenty-one Years, or hath not been out of his Servitude or Apprenticeship Six Months, whose Real and Personal Estate shall not be worth Twenty Pounds at the Time of taking the said Assessment, or any Person receiving a charitable Bounty or Allowance in the Public or any County Levy in this Province.

LXX. And be it further Enacted, That if any Assessor, elected or appointed by Virtue of this Act, shall make Default at the Time appointed for his Appearance, or on his Appearance shall refuse to serve, not having a lawful Excuse, to be proved by the Oath of One credible Witness, or shall neglect to return Certificates of his said Assessment to the Commissioners aforesaid, at the Time and Place prefixed, shall, for every such Neglect, Refusal or Default, forfeit the Sum of Twenty Pounds Current Money, to be recovered and applied as herein after directed. And the said Commissioners, or any Two of them, are hereby authorized and impowered, by Warrant under their Hands and Seals, to appoint One or more Assessor or Assessors, in the Room of the Assessor or Assessors so refusing or making Default. And if any Assessor or Assessors, so as aforesaid elected or appointed, shall happen to die before he or they shall have fully compleated his or their Assessment, the said Commissioners, or any Two of them, are hereby authorized and impowered, by Warrant under their Hands and Seals, to appoint One or more Assessor or Assessors, in the Room of the said Assessor or Assessors so dying. And every Assesor, so as aforesaid elected or appointed, shall, before he takes upon him the Execution of the said Employment, take an Oath, or if a Quaker his solemn Affirmation, to the Effect thereof, to be administered in these Words following: You shall swear well and truly to execute the Duty of an Assessor, and to cause the Rates and Duties imposed by an Act, entituled, An Act for Granting a Supply of Twenty Thousand Pounds for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting Ten Thousand Pounds thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole, by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments, to be duly and impartially assessed, according to the best of your Skill and Knowledge, and therein you shall spare no Person for Favour or Affection, nor any Person grieve for Hatred or Ill-will: Which Oath any One of the Commissioners, in the County where the said Assessment is to be made, hath hereby Power to administer.

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LXXI. And be it further Enacted by the Authority aforesaid, That the said County Commissioners, or any Two of them, shall tax and assess every Assessor within their respective Counties, for all and singular the Matters and Things, for which, by this Act, he ought to be taxed and assessed; and all Sums assessed upon every the said Assessors, and the Assessments made and set upon the Assessors aforesaid, shall be written, levied and collected, according to the true Intent, Meaning and Directions of this Act, as to Assessments made by the said Assessors. Provided always, That no Person shall be compelled to be an Assessor of any Part of the Rates and Assessments hereby granted, in any Place or Places out of the Limits of the District or Division in which he resides. Provided likewise, and be it Enacted, That no Person shall be capable of acting as a County Commissioner or Assessor, in the Execution of this Act, or executing any the Powers therein contained (unless it be the Power hereby given to the said Commissioners of administering Oaths) until such Time as he shall have taken the Oaths directed and appointed to be taken to the Government by Act of Assembly of this Province, subscribed the Oath of Abjuration, and repeated and subscribed the Test, or if a Quaker affirmed to the Effect thereof, and subscribed as aforesaid; which Oaths or Affirmations, it shall and may be lawful for any One or more of the said Commissioners to administer, and he or they are hereby required to administer the same to any other of the said Commissioners, and to the said Assessors. Provided also, That all Annuities, Stipends and Pensions, payable to any Officers, in respect of their Offices, shall be taxed and assessed where such Officers are rated and assessed for their Offices, and not elsewhere: And that all Pensions, Stipends and Annuities, within this Province, not charged upon Lands, shall be charged and assessed in the District or Division where they are payable. And every Person who is or shall be rated for or in respect of any Personal Estate, to him or her any Ways belonging, shall be rated at such Place where he or she shall be resident at the Time of the Execution of this Act: And if any Person, who ought to be taxed in this Province by Virtue of this Act, for or in respect of his or her Personal Estate, shall, at the Time of his or her Assessment, be out of this Province, such Person shall be rated therefore in such Place where he or she was last abiding within this Province. Provided, That where any Person shall have any Goods, Wares or Merchandizes, Negroes, Stock or other Personal Estate, in any District or Division, other than that wherein he or she shall be resident, or had his or her last Resi-

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dence, it shall be lawful to rate and assess such Person for such Goods, Wares and Merchandizes, Negroes, Stock or other Personal Estate, in the District or Division where the same shall be; and every Person who shall be rated or assessed for or in respect of any Messuages, Manors, Lands or Tenements, or other the Premisses, according to the former Clauses of this Act, shall be rated and assessed in the Places where such Messuages, Manors, Lands and Tenements, and other the Premisses, respectively do lie, and not elsewhere. Provided always, That if any Person or Persons, by Reason of his, her or their having several Mansion-Houses or Places of Residence, or otherwise, shall be doubly charged for any Personal Estate, Offices or otherwise, by Occasion of this Act, then upon Certificate made by any Two or more of the aforesaid Commissioners for the County, of his, her or their last Personal Residence, under their Hands and Seals, of the Sum or Sums charged upon him, her or them, and in what Capacity or Respect he, she or they, were so charged, and upon Oath made of such Certificate before the Commissioners, to whom such Certificate shall be tendered (which Oath any One of the said Commissioners is hereby impowered to administer) then the Person or Persons so doubly charged, shall, for so much as shall be so certified, be discharged in every other County.

LXXII. And for the better Discovery of Personal Estates, intended to be charged by this Act; Be it further Enacted by the Authority aforesaid, That every Housholder in this Province, shall, upon Demand of the Assessors of the respective Parishes, give an Account of the Names and Qualities of such Persons as shall sojourn or lodge in their respective Houses, under the Penalty of Ten Pounds Current Money, to be recovered and applied as herein after directed.

LXXIII. And if any Person that ought to be Taxed by Virtue of this Act, for or in respect of his Personal Estate, shall, by changing his Place of Residence, or by any other Fraud or Covin, escape from the Taxation, and not be Taxed, and the same be proved before the Commissioners, or any Two of them, or before any Two Justices of the Peace of the County where such Person dwelleth or resideth, at any Time within Six Months next ensuing after such Tax made, every Person that shall so escape from the Taxation and Payment, shall be charged, upon Proof thereof, at the double Value of so much as he shall or ought to have been Taxed at by this Act.

LXXIV. And be it further Enacted by the Authority aforesaid, That every Papist, or reputed Papist, in this Province, being of the Age of Eighteen Years and upwards, who shall not have taken the Oaths directed and appointed to be taken to the Government, and sign the Oath of Abjuration and the Test now by Law established, shall yield and pay double the Sums and Rates, which, by Force and Virtue of any Clause in this Act before mentioned and contained, he or she should or ought to pay, or be charged with; to be assessed,

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levied, collected, answered and paid, in such Manner, by such Ways and Means, and according to such Rules and Directions, and under such Penalties and Forfeitures as are in this Act expressed or appointed, for and concerning the abovementioned Rates and Sums. Provided nevertheless, That if any such Papist or reputed Papist, within Forty Days next after the First Meeting of the said Commissioners, in the respective Counties where he or they ought to be taxed or assessed, according to the Intent of this present Act, shall take the said Oaths, and sign the Oath of Abjuration and the Test, before any One or more of the said Commissioners (which Oaths the said Commissioners, or either of them, are impowered to administer) in that Case he or they shall not be liable to be doubly assessed as aforesaid.

LXXV. And be it further Enacted by the Authority aforesaid, That every Person being of the Age of Eighteen Years and upwards, and being in this Province at the Time of the Execution of this Act, who shall not before that Time have taken the Oaths directed and appointed to be taken to the Government, and signed the Oath of Abjuration and the Test now by Law established, and upon Summons by Warrant under the Hands and Seals of any Two or more of the said Commissioners, shall refuse to take the said Oaths, and sign the Oath of Abjuration and the Test as aforesaid, at the Time appointed in the said Warrant, or shall neglect to appear at such Time before the Commissioners, in order to take the said Oaths (which the said Commissioners, or any One or more of them, are hereby impowered and required to administer) shall yield and pay double the Sums and Rates, which, by Force and Virtue of any Clause in this Act beforementioned and contained, he or she should or ought to pay, or be charged with, in Manner as is before in this present Act appointed, touching Papists or reputed Papists.

LXXVI. And be it further Enacted, That any Two or more of the said Commissioners, appointed by this Act, in the respective Counties in this Province, upon Information, or upon any Cause of Suspicion in that Behalf, shall and are hereby required and impowered to cause every Person suspected (or against whom such Information shall be given) to be summoned to appear to take the said Oaths, and sign the Oath of Abjuration and the Test, as aforesaid. Provided nevertheless, That whereas certain Persons, Dissenters from the Church of England, commonly called Quakers, and also others, German Protestant Dissenters, known to be such in this Province, do scruple the taking of any Oaths; it shall be sufficient for any such Persons to make and subscribe the like Declaration of Fidelity to his Majesty as was contained in any Act made in the Parliament, held in the First Year of the Reign of their late Majesties King William and Queen Mary, entituled, An Act for exempting their Majesties Protestant Subjects, Dissenters from the Church of England, from

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the Penalties of certain Laws; which Declaration any One or more of the Commissioners, appointed for the executing this Act, are hereby impowered and required to administer; and every such Person so doing, shall not be liable to, or chargeable with, any of the double Rates aforesaid.

LXXVII. And be it further Enacted by the Authority aforesaid, That in all Cases where any Assessor or Assessors, who, by this Act, are required to make double Assessments upon Papists or reputed Papists, or other Persons for not taking the Oaths aforesaid, and signing the Oath of Abjuration and the Test as aforesaid, shall neglect to do his or their Duty therein, the respective Commissioners of the County where such double Assessments ought to have been made, or any Two or more of them, shall take Care, and they are hereby authorized and required to cause such Papists or other Persons, to be doubly charged, according to the true Intent and Meaning of this Act. Provided always, and be it Enacted, That where the Owners of any Lands, Tenements and Hereditaments, are liable to be doubly charged as Papists or reputed Papists, by Reason of their not having taken the Oaths, and signing the Oath of Abjuration and the Test as aforesaid, according to the true Intent of this Act, in every such Case such Owners only shall be charged with and pay the said double Rates; and the respective Tenants of such Lands, Tenements and Hereditaments, are hereby discharged of and from the same; and Covenant for Payment of Taxes, or other Agreement to the contrary, notwithstanding.

LXXVIII. And be it further Enacted by the Authority aforesaid, That where any Person or Persons, chargeable with any Rates or Assessments by this Act imposed, shall be under the Age of Twenty-one Years, then and in such Case, the Parents, Guardians or Tutors of such Infants respectively, upon Default of Payment by such Infants, shall be and are hereby made liable to, and chargeable with, the Payments which such Infant ought to have made. And if such Parents, Guardians or Tutors, shall neglect or refuse to pay as aforesaid, it shall and may be lawful to proceed against them in like Manner as against other Person or Persons making Default of Payment. And all Parents, Guardians or Tutors, making Payment as aforesaid, shall be allowed all and every the Sums so paid for such Infants upon his and their Account.

LXXIX. Provided always, and be it Enacted, That no Stay of Prosecution, upon any Command, Warrant, Motion, Order, or Direction, by non vult ulterius prosequi, shall be had, made, admitted, received or allowed, by any Court whatsoever, in any Suit or Proceeding, by Action of Debt, Bill, Plaint or Information, or otherwise, for the Recovery of all or any the Pains, Penalties or Forfeitures, upon any Person by this Act inflicted, or therein mentioned, or for or

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in order to the Conviction or Disability of any Person offending against this Act.

LXXX. And be it further Enacted by the Authority aforesaid, That the said Commissioners shall, on the First Monday after the End of Thirty Days from the Time of their having delivered to the said respective Collectors Duplicates of the said Assessment, meet at their respective County Court-Houses, to hear and determine the Complaints of such Persons as may think themselves grieved by being over-rated, and shall sit from Day to Day for the Space of Ten Days next following, as often as shall be necessary, within the said Time, for the hearing and determining all Appeals that may be made to them. And the said Commissioners are hereby directed to give public and timely Notice of the Day of such their Meeting to hear and determine such Appeals, by setting up Advertisements in the most public Places in their respective Counties: And if the said Commissioners shall not meet or give public Notice as aforesaid, the Commissioner or Commissioners failing therein, shall severally forfeit and pay the Sum of Twenty Pounds, to be recovered and applied as herein after directed. And if any Person or Persons, certified, assessed or rated, for or in respect of any Matter or Thing, for which, by this Act, he, she or they, is or may be rated or charged, do apprehend themselves grieved with such assessing or rating, and do thereof complain to the said Commissioners, the said Commissioners, or any Two of them, shall and may at the Time of their sitting to hear Appeals as aforesaid, particularly examine any Person or Persons upon his or their Oath (other that the Party complaining) touching the Value of his or their Real or Personal Estate, and other the Matters aforesaid; and upon due Examination or Knowledge thereof, abate, increase or inlarge the said Assessment; and a Copy of the same, so abated, increased or inlarged, shall forthwith deliver or cause to be delivered to the Collector of their respective Counties, to be collected, levied and paid, as herein directed.

LXXXI. And be it further Enacted, That the Clerks of the several County Courts within this Province, shall, and they are hereby required, without Fee or Reward, to make out and deliver to the Commissioners of their respective Counties, on or before the Day to be appointed for making the Election of Assessors, fair and exact Copies of the last Lists of Taxables, returned by the Constables of the several Hundreds within their said Counties, on Pain of forfeiting Fifty Pounds Current Money, to be recovered and applied as hereafter directed.

LXXXII. And be it further Enacted, That his Lordship's Agent or Receiver-General, for the Time being, shall, and he is hereby required to make out and deliver to the Commissioners of the several Counties respectively, by this Act appointed, on or before the Day to be appointed for the Election of Assessors, a fair Account, as

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nearly as he can judge, of the Quantities of Acres of all Manors, or Parts of Manors, laid out, and Lands leased out, for his Lordship's own private Use, which lie in the said respective Counties, and to whom and in what Quantities the same are leased out, on Pain of forfeiting Two Hundred Pounds Current Money, to be recovered and applied as hereafter is directed. All which several Lists and Accounts the said Commissioners shall, and they are hereby required forthwith to deliver to the respective Assessors, to be elected or appointed in Virtue of this Act, for the several Districts of their respective Counties, on Pain of forfeiting, for every Neglect or Omission thereof, the Sum of Fifty Pounds Current Money, to be recovered and applied as hereafter is directed.

LXXXIII. And the said Commissioners, or any Two of them, are hereby required to deliver to the Sheriffs of their respective County, who are hereby nominated and appointed Collectors of the Rates, Duties and Assessments aforesaid, a fair Copy of the Certificates of Assessment, which shall be by the said Assessors delivered to them as aforesaid, within Ten Days after the said Delivery, under the Penalty of Fifty Pounds Current Money for each Commissioner. And the said Sheriff shall, within Thirty Days after such Delivery, make Demand of the several Sums charged in the said Certificate of Assessment, by delivering an exact Copy thereof, under his Hand, to each Person or Persons therein charged, so far as it concerns him, her or them, or leaving the same at his, her or their Habitation, or last Place of Abode; and shall proceed forthwith, after such Demand, to levy, receive and collect the same by Two equal Payments, in the same Manner, and by the same Powers and Authorities the Public and County Levies are by Law to be levied, received and collected; the First Payment to be made by the Tenth Day of June next, and the Second Payment by the Twenty-ninth Day of September next. Provided always, and be it Enacted, That before the said Collectors shall execute any Part of the said Office, they shall each of them enter into Bond, before Two Justices of the Peace of their respective County, or One Provincial Magistrate, with good and sufficient Securities, such as the said Two Justices of the Peace, or Provincial Magistrate, shall approve, to the Right Honourable the Lord Proprietary of this Province, in the Sum of Two Thousand Pounds Current Money, with Condition to the said Bond in the following Form, viz. The Condition of the above Obligation is such, That if the above bounden   shall well and faithfully execute and perform the several Duties required of him by the Act of Assembly, entituled, An Act for Granting a Supply of Twenty Thousand Pounds for his Majesty's Service, and the more immediate Defence and Security of the Frontier Inhabitants of this Province; and Emitting Ten Thousand Pounds thereof in Bills of Credit; and Raising a Fund for Sinking and Replacing the Whole, by an equal Assessment

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on all Estates, Real and Personal, and Lucrative Offices and Employments; and shall well and truly pay to the Commissioners or Trustees for Emitting the Bills of Credit, established by Act of Assembly, the several Sums of Money, which he shall receive and be answerable for in Virtue of the same Act, at such Times as by the said Act is directed, according to the true Intent and Meaning thereof, then the above Obligation to be void, else to be and remain in full Force and Virtue. And the said Two Justices of the Peace, or Provincial Magistrate, shall immediately cause the said Bond to be proved before him or them by the Witnesses thereto, and shall forthwith indorse the Probate on the Back thereof, and transmit the said Bond to the Clerk of the Provincial Court, who shall immediately record the same Bond and Indorsement aforesaid in the Provincial Land-Records; and after Entry thereof upon Record, the original Bond shall be lodged with the Register of the Chancery Court, to be by him safely kept in the Chancery-Office; and an attested Copy of the said Bond and Probate from the said Provincial Records, shall be as good Evidence in Law to maintain an Action of Debt, for the Breach of the Condition thereof, to all Intents and Purposes, as if the said Bond or Bonds were actually produced and proved in Court.

LXXXIV. And be it further Enacted, That the said respective Collectors shall pay to the Commissioners or Trustees, for Emitting Bills of Credit, established by Act of Assembly, one Half of the total Amount of the Sums charged on the said Certificates of Assessment by the last Day of July next, and the other Half (the Deductions and Allowances hereafter mentioned being first made) by the Twenty-fifth Day of December, Seventeen Hundred and Fifty-eight. And each Collector shall appear at his respective County Court-House on the First Monday of November, Seventeen Hundred and Fifty-eight, and then and there lay before the respective Commissioners, a fair, clear and regular Account of his Collection of the Rates, Duties and Assessments, imposed by this Act; and the said Commissioners shall appear at the same Time and Place, under the Penalty of Fifty Pounds Current Money each Commissioner not appearing: And they or any Two of them, shall immediately proceed with the Collector to settle and adjust his said Account; and shall, upon such Settlement, allow to the said Collector a Commission of Two per Cent. on the whole Sum by him collected, or for which they shall judge him to be answerable, and shall not allow him for any Insolvencies or Deductions of any Part of the said Sums mentioned in the said Certificates of Assessment, except in Cases where it shall be made appear to them he shall have used all lawful Ways and Means for the levying and collecting the same; a Certificate under their Hands and Seals of the Ballance of which Account, so settled and adjusted, the said Commissioners shall, by the First Day of December, which shall be in the Year of our Lord Seventeen Hundred and Fifty-eight, inclose

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and indorse for his Lordship's Service (which the said Commissioners are hereby impowered to do) and deliver to the Sheriffs of their respective Counties, to be by them forwarded as Public Letters are by Law directed to be forwarded to the Commissioners or Trustees aforesaid. And upon Failure of either of the Payments, above directed to be made by the respective Collectors, the aforesaid Commissioners or Trustees shall, and they are hereby strictly enjoined and required immediately to put in Suit the Bond of the respective Collector so failing in either of his Payments.

LXXXV. And be it further Enacted, That all the Certificates of Assessment, which shall by the said Assessors be delivered to the said Commissioners, and all the Books of Proceedings of the said Commissioners, and the Accounts by them settled with the several Collectors aforesaid, shall, within One Month after such Settlement, be by the said Commissioners delivered to the Clerk of their respective Counties, under the Penalty of Fifty Pounds Current Money, to be by the said Clerk lodged in his Office, and carefully kept for the Inspection of the Inhabitants of such County.

LXXXVI. And be it further Enacted, That the Collector of each respective County shall, at the Time of Settlement of his Accounts as aforesaid, pay to each of the said Commissioners, who shall serve in the Execution of this Act, as a Salary for the full and faithful Performance of their Duty therein, Eight Shillings for each Day they shall necessarily attend in the Performance of the several Services required of them by this Act, and no more: And shall also pay to the said Commissioners, for the Use of the said Assessors, for the full and faithful Performance of their Duty under this Act, any Sum not under Four Pounds, nor exceeding Eight Pounds Current Money, for each Assessor, which the said Commissioners, or any Two of them, shall adjudge an adequate Reward for the Service of each Assessor. And the Amount of all the Sums so paid, shall, by the said Commissioners, be allowed to the said Collector on Settlement of his Account as aforesaid, in which Accounts shall be expressed the Names of the Assessors for each District, and the Sums of Money for them respectively allowed. And the said Commissioners shall, within Ten Days after Receipt of the said Sums, for the Use of the said Assessors, pay the same to them or their Orders respectively, under the Penalty of Ten Pounds Current Money to the Party grieved.

LXXXVII. And be it further Enacted, That the several Clauses in this Act, that any Way relate to the Duty of the Commissioners or Assessors aforesaid, shall, by the Printer to this Province, be printed, and by him delivered to the Sheriff of Anne-Arundel County, by the Twentieth Day of December next, under the Penalty of Twenty Pounds Current Money, inclosed and directed to each of the said Commissioners, and indorsed for his Lordship's Service; and

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the several Sheriffs of this Province are hereby required to forward them in the same Manner as other Public Letters are directed by Law to be forwarded, and under the like Penalties.

LXXXVIII. And be it further Enacted, That if any Commissioner, herein before appointed for executing such Part of this Law as relates to the Rates and Assessments therein mentioned, shall refuse to serve, not having a lawful Excuse, to be proved by the Oath of One Witness, for every such Refusal, shall forfeit the Sum of One Hundred Pounds Current Money, to be recovered and applied as herein after directed.

LXXXIX. And be it further Enacted, That in Case Two of the Persons appointed Commissioners for any of the Counties aforesaid, should die, refuse, or be otherwise rendered incapable to discharge the Duties enjoined them by this Act, then the other Commissioner shall, and he is hereby authorized and required to execute the Duties aforesaid; and the Transactions of such Commissioner shall be as valid, to all Intents and Purposes, as if no such Refusal, Death, or Incapacity, had happened; any Thing in this Act, to the contrary, notwithstanding.

XC. And be it further Enacted by the Authority aforesaid, That if any Suit or Action shall be brought or prosecuted against any Person or Persons, for any Thing done or to be done in Pursuance of this Act, that in every such Case the Action or Suit shall be commenced within Six Months after the Fact committed, and not afterwards; and the Defendant or Defendants in such Action or Suit, may plead the General Issue Not Guilty, and give this Act and the special Matter in Evidence, at the Trial to be had thereupon, and that the same was done in Pursuance and by Authority of this Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases at Law.

XCI. And be it further Enacted, That the several Fines and Forfeitures herein before mentioned, except where it is otherwise directed by this Act, shall and may be recovered by Action of Debt, Bill, Plaint or Information, with Costs, in any Court of Record within this Province, wherein no Essoin, Protection or Wager of Law, shall be allowed; one Half thereof to the Informer, or him, her or them, that shall sue for the same, the other Half thereof to be paid to

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the Commissioners or Trustees aforesaid, to be by them applied to the replacing and sinking the several Sums of Money granted by this Act.

XCII. And whereas the frequent Use of Carriages may be necessary; Be it Enacted, That from and after the End of this Session of Assembly until the Thirtieth Day of September, Seventeen Hundred and Fifty-eight, when and as often as the Service may require the carrying of Gunpowder, Shot, Lead, Arms, Cloathing, or any Military Stores or Accoutrements whatsoever, or Provisions of any Kind, for Troops in his Majesty's Service in general, or of his Province in particular, there shall be paid the following Rates of Carriage to the Owner or Owners of all such Carriages as shall be employed in such Services, viz. For the Hire of every Cart, with Four Horses, carrying a Load not exceeding Twelve Hundred Pounds Weight, the Sum of Ten Shillings Current Money per Day, and for the Hire of every Waggon, with Four Horses, carrying a Load not exceeding Fifteen Hundred Pounds Weight, the Sum of Twelve Shillings and Six Pence Current Money per Day. Provided always, and it is the true Intent and Meaning of this Act, that where any Cart or Waggon shall be pressed at any Distance from the Place where they are to be laden, that then the Owner or Owners thereof, shall be paid for the Hire of their said Carts or Waggons after the Rate of Five Pence per Mile for every Mile of such Distance, and the like Sum per Mile for every Mile they shall be obliged to travel in Return to their respective Places of Abode, after they have delivered their Loads.

XCIII. And be it further Enacted by the Authority aforesaid, That no Officer or Commander of any Company, or Person, employing any Cart or Waggon in Virtue of this Act, shall constrain or compel the Owner or Driver of such Cart or Waggon to travel more than Fifteen Miles in any one Day, on Pain of forfeiting the Sum of Five Pounds Current Money, to be recovered before One Provincial Justice, or Two Justices of the Peace, where the Offence shall be committed, and applied as the Fines and Forfeitures herein before are directed to be applied. Provided nevertheless, That if the Exigency of the Service should make it necessary for any Carriage, employed within this Province in his Majesty's Service, to travel more than Fifteen Miles in one Day, then and in such Case the Owner or Driver of such Carriage shall proceed farther, but for every Mile that he shall travel that Day with the Carriage, above the Fifteen Miles, he may demand, and shall receive the Sum of One Shilling and Four Pence per Mile if a Waggon, and One Shilling per Mile if a Cart, over and above the Sum of Twelve Shillings and Six Pence, or the Sum of Ten Shilings, before allowed for a Day's Hire.

XCIV. And whereas it may be necessary to make Provision for Intelligence and other Contingencies, which it is impossible particu-

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larly to express and specify in this Act; Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Governor or Commander in Chief of this Province, for the Time being, from Time to Time, during the Continuance of this Act, to draw his Order or Orders on the Agents aforesaid, for the Purposes aforesaid, for any Sum or Sums of Money not exceeding, in the Whole, the Sum of Fifty Pounds Current Money, payable to such Person or Persons as he shall think fit; and the said Agents are hereby directed and required to pay all such Orders so as aforesaid drawn, the Governor or Commander in Chief, for the Time being, expressing in such Order the particular Use or Purpose for which the same is, are or shall be drawn.

XCV. And be it further Enacted, That if by the Rates and Sums of Money, by this Act imposed for One Year, more Money shall be paid into the Loan-Office than shall be sufficient to sink and replace the Sums of Money, in Bills of Credit, by this Act directed to be emitted and paid out, then all such Overplus shall, by the said Commissioners, be applied towards replacing and sinking the several Sums of Money granted by an Act, entituled, An Act for Granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit, and Raising a Fund for sinking the same. But if it should happen that by the Rates, Assessments and Sums of Money, herein before imposed for One Year, a sufficient Sum of Money shall not be raised to replace and sink the Sum of Twenty Thousand Pounds hereby granted, then and in such Case all the Parts of this Act, any Way relating to the several Rates and Assessments, and Sums of Money, herein before imposed for One Year, shall be, and are hereby continued for One other Year, and the said Rates, Assessments and Sums of Money, shall be assessed, levied and collected, accounted for and paid, for One other Year, and no longer, in the same Manner, and under the like Penalties, Fines and Forfeitures, to all Intents and Purposes, as the said Rates and Assessments, and Sums of Money, herein before imposed for One Year, is to be assessed, collected, levied and paid; and the said Penalties, Fines and Forfeitures, shall be recovered and applied as by this Act before is directed: And in Case the Rates and Sums of Money, to be assessed, levied, collected and paid, for such other Year, shall be more than sufficient to replace and sink the said Sums of Money, granted and emitted by this Act, then all such Overplus shall be applied as before is directed in Case of an Overplus the first Year. And if the Sums of Money, by this Act to be collected for the first Year, shall be found by the Commissioners or Trustees of the Loan-Office to be deficient for the Purposes aforesaid, then the said Commissioners or Trustees shall, and they are hereby strictly enjoined and required to signify the same by Writing under their Hands, to the respective

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Commissioners of each County, which Notice, by Writing, the said Commissioners or Trustees shall deliver under Cover directed to the said Commissioners, and indorsed for his Lordship's Service, to the Sheriff of Anne-Arundel County, on or before the Fifteenth Day of December, which shall be in the Year Seventeen Hundred and Fifty-eight, on Pain of forfeiting, for every Neglect or Omission thereof, the Sum of Two Hundred Pounds Current Money each Commissioner, to be recovered and applied as herein before is directed. And the several Sheriffs of this Province are hereby required to forward the same as Public Letters are by Law directed to be forwarded, on Pain of forfeiting, for every Neglect thereof, the Sum of Two Hundred Pounds Current Money, to be recovered and applied as aforesaid.

XCVI. Provided always, and it is hereby Declared, That any Thing herein contained shall not charge, or be construed to charge, his Excellency Horatio Sharpe, Esq; or the Governor and Commander in Chief, for the Time being, with the abovementioned Duty or Payment of One Shilling in the Pound by the Year, for or in respect of any Salary, Fees, Profits, Perquisites or Advantages, to him arising or growing due as Governor and Commander in Chief of this Province; but that his said Excellency, and the Governor and Commander in Chief for the Time being, in respect of the same, shall be clear from all Taxes, Impositions and other Public Charges whatsoever; any Thing in this Act contained to the contrary notwithstanding.

II

INSTRUCTIONS OF LORD BALTIMORE TO GOVERNOR SHARPE, 1757

INSTRUCTIONS OF FREDERICK, LORD BALTIMORE, DATED OCTOBER 23, 1757, TO GOVERNOR HORATIO SHARPE, ASSENTING TO THE LAWS PASSED BY THE ASSEMBLY AT THE SEPTEMBER-OCTOBER, 1756, AND AT THE APRIL-MAY, 1757 SESSIONS; REJECTING THE PETITION OF CERTAIN VIRGINIANS THAT THE VESSELS OF THAT COLONY CARRYING IRON ORE BE EXEMPTED FROM MARYLAND TONNAGE DUTIES, AND BE ALLOWED INSTEAD TO PAY AN ANNUAL CHARGE WITHOUT RELATION TO TONNAGE; AND ORDERING THAT REGULATIONS BE DRAWN UP BY WHICH THE TONNAGE OF VESSELS THEREAFTER SHALL BE BETTER DETERMINED.

Frederick Absolute Lord and Proprietor of the Provinces of Maryland and Avalon in America Lord Baron of Baltimore of the Kingdom of Ireland Orders and Instructions to be Observed and Pursued, by our Trusty and Wellbeloved Horatio Sharpe Esq.^{r} Our Lieutenant General and Chief Governor of our Province of Maryland

MSS. Archives of Md. Blue Book No. 10 Letter 43 Hall of Records

F. Baltimore

Whereas at a Session of Assembly begun & held at the City of Annapolis on Tuesday the Fourteenth Day of September in the Six Year of My Dominion 1756 several Acts of the Province of Maryland were made & Pass'd by You Viz.^{t}

An Act for his Majesty's Service, and further Defence and Security of this Province.

An Act impowering the Justices of Somerset County to levy not exceeding Twenty Thousand Pounds of Tobacco upon the taxable Inhabitants of the said County, to be applied to the Purpose therein Directed.

An Act for the Relief of Sundry of the Inhabitants of Charles County.

A Supplementary to the Act entituled An Act for the Speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer.

A Supplementary to An Act entitled An Act for granting a Supply of Forty Thousand Pounds for his Majesty's Service and Striking Thirty Four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit, and raising a Fund for Sinking the Same.

MSS. Archives of Md. Blue Book No. 10 Letter 43 Hall of Records

An Act for further continuing an Act entitled An Act to prevent the Exportation or Carrying out of this Province Ammunition, Warlike Stores or Provisions of any Kind towards Supplying the French or their Allies.

And Wheras, at a Session of Assembly Begun & held at the Town of Baltimore in Baltimore County on Fryday the Eight Day of April in the Sixth Year of My Dominion 1757 Several Acts of the Province of Maryland were Passed by you Viz.^{t}

An Act for his Majesty's Service & the more immediate defence & Protection of the ffrontier Inhabitants of this Province

Together with Sixteen other Acts Publick & private, all which Acts at the afforesaid Sessions of Assembly as entered in the Journals of the Upper House & were passed by you into Laws in the Usual Form.

On Consideration of the Afforesaid several Acts transmitted by you. I do hereby Signifye to you my Assent & Will that each of the said Acts of Our Assembly be Laws of the Province of Maryland & you are to enter this my Assent, upon Record as Usual.

Concerning the Petition Presented to you By John Tayloe Esq.^{r} & Presley Thornton & Benj.^{a} Grymes Gent.^{t} of the Colony of Virginia, ab.^{t} Virginea Iron Ore Vessels: On Consideration on the matter of the said Petition, It is my Will & Pleasure that you do reject the said Petition. It beeing Manifest against the Property & Interest of the Province of Maryland to Suffer Virginian Ships or any Vessels of Other Countries to Clear & not to pay the Tunnage Duty Subject by Law Especially for Unmanufactured Effects of the Province the Virginians want to take out & Manufacture to its prejudice.

And Whereas the Naval officers of the The Province have taken a Liberty of their own, for I know of no authority that warrants their own Regulation for Payments of the Tunnage Duty on Vessels that shall Trade to the Province. I am inform'd, in relation to the Virginia Ore Vessels (tho' they never Call'd at any Office) that these Payments are by agreement as the Officers aledge, at a Certain Sum p.^{r} Ann; without regard to the Trips or Tunnage; thus by Illicitous agreement they wrong my rights, the Naval Office ffees & the Real Interest of all concern'd in the Iron Mines & Manufacture of Iron in the Province, therefore I desire & require of you on Receipt of these My Instructions to take the Matter thereof into Consideration, with M.^{r} Boardley the Atty.^{y} Gen.^{l} & Naval Officers at the Port of Annapolis & M.^{r} Lloyd My Receiver Gener.^{l}, with such others as you shall Judge fitting in Aid of Advice to Determine. Whether the Tunnage on Virginia Vessels is most Sutable by the Bulk & Measurment of such Vessels or by the Tunnage of Loading? in either Case by you Determin'd for in one or the other I insist; & upon Such Determination, You Do immediatly Issue out Orders as my Orders & Directions, To all the Naval Officers that they do Demand & require forthwith of the owners, Captains & Masters, be they of Virginia or other such Vessels, to level the Imposts p.^{r} Tun either by Ancient Right or has been since by Custom Leveld at 15 pence p.^{r} Tun & on failure of Payment of the Duty by the parties, They the said Naval Officers do make a Seisure & satisfy the Demand. And My Will & Desire is that the said Naval Officers do Enter a Distinct Column in their Annual Accompts of such Tunnage Duty by them Received, to be transmitted to me accordingly.

MSS.
Archives
of Md.
Blue Book
No. 10
Letter 43
Hall of
Records

Given under my Hand & lesser Seal at Armes at London the Twenty third Day of October in the Sixth Year of my Dominion over the said Province & in the Year of Our Lord 1757.

F B.

By His Lordships Command
Cæcil :^{s} Calvert Sec.^{y}

III

INSTRUCTIONS OF LORD BALTIMORE TO GOVERNOR SHARPE, 1758

Instructions of Frederick, Lord Baltimore, dated Nov. 27, 1758, to Governor Horatio Sharpe. The Proprietary assented to all the laws passed at the September-December 1757 session; ordered the Governor to allow nothing to be done affecting the relations between the Maryland and Pennsylvania governments; nor to approve any bill which would restrict the use of troops to any particular place; and to enforce his authority under the law of 1715 to march the militia to any part of the Province he may see fit. The Proprietary writes that he is enclosing his answer to the joint address to him of the two Houses of the Assembly protesting against the embargo on provisions, together with a copy of the report of the Commissioners of Trade and Plantations to the Committee of the Privy Council, declaring that it was not advisable to lift the embargo.

MSS. Archives of Md. Portfolio No. 3 Letter 7 Hall of Records

Frederick Absolute Lord and Proprietor of the Provinces of Maryland & Avalon in America Lord Baron of Baltimore of the Kingdom of Ireland. Orders and Instructions to be Observed and Pursued by our Trusty and Welbeloved Horatio Sharpe Esq.^{r} our Lieutenant General and Chief Governor of our Province of Maryland.

F. Baltimore

With these My Instructions is Inclosed you.^{rs} dated July the 12.th 1758 a Copy of the Report of the Lords Commissioners of Trade & plantations To the Right Hon.^{ble} the Lords of Committee of His Majesty's most Honourable Privy Council for plantation Affairs Concerning the Houses of Assembly in Marlyand Petition to the King praying leave to Export Corn &c.^{a} And Inclosed is a Letter dated the 23.d of August 1758 from William Sharpe Esq^{r} Clerk of the Council to me touching the Said Copy of Report And in his Said Letter is contain'd by Order of the Lords of the Committee of Council their Lordship's Opinion that it is not Adviseable to permit Corn &c.^{a} to be Exported from His Majesty's Colonies in America to the European Dominions in Amity with His Majesty at this Juncture. The Copy of the Said Report with the said Letter I Direct you to laye before Both Houses of Assembly at your meetting Them And at the same time My Will & Pleasure is, that you deliver and make known them Inclosed you My Answer dated September the 30.th 1758 To their joynt Address to me Concerning their Petition to the King for His Majesty's leave to Export Corn &c.[a] And of their Representation thereon to the Board of Trade

MSS. Archives of Md. Portfolio No. 3 Letter 7 Hall of Records

Whereas at a Sessions of Assembly begun & held at the City of Annapolis in Maryland on Wednesday the 28.th of September in the Sixth Year of My Dominion as Lord & Proprietor of the Province Annoque Domini 1757 the following Acts of Assembly of that Province were passed as Laws of that Province & on My Behalf by you Assent'd To Viz.t

A supplement Act to an Act entituled an Act to enable the Justices of Baltimore County Court to assess and levy on the taxable Inhabitants of St Georges Parish in that County, a sum of Money for the Uses therein mentioned

An Act continuing an Act entituled an Act addititional and explanatory Act to the Act entituled an Act impowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes

An Act continuing an Act entituled an Act for destroying Wolves in Frederick County.

An Act continuing an Act entituled an Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors and running of Horse-Races near the yearly Meetings of the people called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings; and also one other Act, entituled, an Act to amend and explain an Act entituled an Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors and running of Horse-Races near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other slaves during the said Meetings

An Act continuing an Act entituled an Act for Punishment of Horse-Stealers and other Offenders.

An Act continuing an Act entituled A Supplementary Act to an Act entituled an Act laying an Imposition on Negroes and several Sorts of Liquors imported and also on Irish Servants to prevent the Importing too great a Number of Irish Papists into this Province

An Act continuing an Act entituled an Act to enable the several and respective County Clerks within this Province to remove some of the County Records and papers from the Public Offices

An Act continuing an Act entituled an Act for the more effectual Punishment of certain Offenders and for taking from them the Benefit of Clergy

MSS. Archives of Md. Portfolio No. 3 Letter 7 Hall of Records

An Act continuing an Act entituled an additional Supplementary Act to the Act entituled an Act relating to servants and Slaves

An Act continuing an Act entituled an Act for the more effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders and a Supplementary Act to an Act entituled an Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves and directing the Manner of trying Slaves

An Act continuing an Act entituled An Act to exempt Persons appearing at Musters from Arrests in Civil Cases

An Act continuing an Act entituled an Act to make the Testimony of Convicted Persons legal against Convicted Persons

An Act to prohibit raising of Swine and Geese in Frederick Town in Frederick County

An Act for suppressing Plumb-Point Warehouse in Calvert County

An additional Supplementary Act to the Act entituled an Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit established by Act of Assembly the sum of 45000£ Current Money for Encouragement of such able-bodied Freemen as shall voluntarily Enlist themselves into his Majesty's Service for the intended Expedition against Canada and for maintaining and conveying them to the Place of Rendezvous as also for replacing of the said sum and for the better regulating Ordinaries and Ordinary Keepers and for other Purposes therein mentioned

An Act continuing an Act entituled an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer

And the following private Law

An Act to impower Susanna Resteau widow and Administratrix of Talbot Resteau late of Baltimore deceased to sell the House and Lands therein mentioned for the payment of the debts &c.[a]

All which Laws as aforesaid have hereby My Assent And be they Laws of the Province of Maryland Accordingly & you are to Cause to be Entered this My Assent on Record as Usual

The Referrences of Others you mention, To the Pensilvania Goverment is a Subject not with me, no more than for the Houses of Assembly of Maryland to plan their Form or Modus of Legislature agreeable to that Goverment. And It is my Advice & Orders that You do strictly Adhere to Suffer no Bill to pass calculated to weaken the Government of Maryland By my Royal Charter Established. Nor Suffer a Bill to pass in which Bill is contain'd Restrictions

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giving Power to restrain the Service of Troops to a particular Spot, Whereby His Majesty's service must be impeded & crampt. The Attempt seem's offered in the copy of Bills proposed in the Lower House of Assembly, which Copy of Bills you transmitt'd me for My Observation. By the Plan of the Bills the Assembly Assumes to take into their Hands the Power & right of directing How such Troops as they would agree to Support should Act, It is presumtuously Invading the King's undoubted Progative. Dorogate to the Power Given You by My Commission & the Milita Law of the Province to compell every individual to March to any Part when you My Leiutenant Governor may Judge their Service Nesessary, by the provincial Act of 1715, w.^h Act was revived & continued & has Duration by Act of Assembly made by the Legislature of the Province in 1722. I thank you for your Exemplifiction of the Laws of 1715 in your Answer the 5^th of May last To the Address & Remonstrances of the House of Delegates dated the 17^th of April 1758 And I approve of your Conduct & measure in defence of the Province by your Letters to the Colonels of Milita dated the 17^th of Nov.^r 1757 & your Letter to Colonel Stanwix His Majestys Field Officer dated the 17 Dec:^r 1757 Also your Orders to Captain Casson Commander of a Company of Milita in Queen Ann's County to March to ffort Frederick And approve of your Conduct & Measures taken the 8.^th of June, your Orders to two Captains of Militia to March their Companies to the said ffort And Do approve of your step relative, your taking the Opinion thereon of the Upper House of Assembly whose Loyalty Duty & affection to His Majesty's Honour & service appears to me manifest as well as their Just regard to My Government Guided under His most Sacred Majesty & directed by His Auspicious Rule of Government, My Principle of Action to go by.

With Regard to the Copy of Opinion given to M^r Thomas Rent Roll Keeper of the East Shore Viz^t

Opinions of His Excellency Horatio Sharpe Esq.^r Governor of the Province of Maryland Col.^o Benj.^a Tasker Secretary of the said Province Col.^o Edw:^d LLoyd His Lordship's Agent, George Stewart Esq.^r One of the Judges of the Land Office & Stephen Bordley Esq^r Attorney Gen.^l Authorized by an Instruction from His Lordship to sundry Questions proposed to them by William Thomas, Keeper of the Rent Roll of the Eastern Shore this 20^th Day of December 1757

Of Lands returned to lye in Pensilvanie

It is the Opinion that where a Farmer takes the proper Steps to get the Rents but cannot suceed & the Surveyor of the County

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certifies that the Lands for which those Rents are claimed by both Provinces that the Farmer be allowed such Deficiency

Of Lands returned not to be found but that the Patentee or Heir

Live in the Province

It is the Opinion that the Patentee or Heir having a Subject of Distress may be distrained on for those as well as any other his Rents & having other Lands but nothing of his own thereon the Cattle of any other Person levant or conchant thereon is Subject to Distress for the Whole As to what Proof may be sufficent that such Land is not to be found it is the Opinion that the Surveyor of the County in the Debt Book of which such Lands stand charged as well as several reputable People of the same County should certify that they do not know of any such Land there may be sufficient for a Discretionary Discharge of such Farmer for such Rents

Of Lands returned not to be found nor Patentees or Heirs known Where neither Land nor Heirs can be found It is the Opinion that the Farmer may be discharged from such Rents upon producing such Certificates as above as well from the Surveyor & Gentlemen of the Neighbouring Counties as of the proper County Wherein such Lands stand charged

Of Lands returned not patented & the Rents are therefore refused to be paid

It is the Opinion that the Farmer advertise such Lands as liable to be taken up under the Proclamation that it may be known & People thereby encouraged to apply for them under the Proclamation that they may be the sooner brought under Rent before which it is not thought reasonable that the Farmer should be chargeable

Of Lands returned Disclaimed

As to Disclaimer of Lands which are patented the Farmer is to pay no Sort of Regard to any such Disclaimer or Refusal to pay Rents But if the Parties are in earnest in their Disclaimer Let them petition the Chancellor & produce the Original Patent or any Office Copy under Seal with an Affidavit indorsed on such Copy that the Original Patent is lost & pray that such Patent or Copy & the the Record thereof be cancelled which being done the Disclaimers will be effectual & from that time both the Rent will cease & the Farmer be discharged

Of uncultivated Lands belonging to Persons living out of the Province

It is the Opinion that as the Claimer has nothing on the Land if he has not other Lands on which Distress may be found nor any other Persons Cattle to be found levant & conchant theron it must be considered as an insolvent Debt & the Farmer ought to be discharged

Of Lands included in Elder Surveys

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It is the Opinion that as long as the Patents remain in Force the Patentees or their Heirs must be accountable for the Rents of all the Lands expressed in the Patent & the Farmer must endeavour to get such

[The text of the manuscript ends abruptly here. The remaining pages of the instructions are missing, but an examination of the letter of Sharpe to Lord Baltimore, dated April 19, 1759, acknowledging its receipt, will show that the Governor was also instructed to appoint Stephen Bordley a member of the Council, and to appoint Daniel Dulany, the younger, to replace Col. Benjamin Tasker as Commissary-General. The reply of the Proprietary to the address of the Assembly protesting against the embargo, and the report of the Commissioners of Trade and Plantations refusing to recommend that the embargo be lifted, are also missing. (*Arch. Md. ix,* 337).]

IV

IMPORT DUTIES ON CONVICTS

A

MEMORIAL OF JOHN STEWART, 1757

Memorial of John Stewart, merchant of London, dated May 4, 1757 requesting that he be reimbursed for the import duties paid by him on convicts transported into Maryland, which duty was paid under the Act of the Assembly of 1754; together with an opinion from William Murray, formerly the King's attorney-general and now Lord Mansfield, that this duty was imposed contrary to the laws of England.

MSS. Calvert Papers No. 583 Md.Hist.Soc.

To The Right Honourable The Lord Baltimore Proprietor of His
Majesty's Colony of Maryland.

The humble Memorial of John Stewart Merchant of London.

Sheweth

That about the Year 1754 the Assembly of that Colony passed a Law imposing a Duty of 20.s ꝑ Head on all Servants imported there;—Under the Authority of which Law the Naval Officers there have exacted and received of Your Memorialist's Agents the Sum of 20.s ꝑ Head for Convicts transported to that Place in Obedience to Your Memorialist's Contracts with His Majesty and his Courts of Justice in this Kingdom.

When Your Memorialist first received Advice of such Law, Your Memorialist apprehensive of its Consequences directed His Majesty's Attorney General's Opinion to be taken as a Rule for his Conduct.

Such Opinion with the Case Your Memorialist now presumes thus to lay before Your Lordship,

4.th Geo: 1. l. 11. This Statute, for the more effectual Transportation of Felons,

" After Reciting that it had been found by Experience that the " Punishments inflicted by the Laws against the Officers therein " enumerated had not proved effectual to deter persons from being " Guilty of those Crimes: And that many Persons to whom Royal " Mercy had been extended upon Condition of Transporting them- " selves to the West Indies, had often neglected to perform that " Condition; And that in many of His Majesty's Colonies and Plan- " tations in America, there was great Want of Servants, who by " their Labour and Industry might be the Means of improving and " making the said Colonies and Plantations more useful to this " Nation:

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" Enacts that, where any Persons shall be convicted of the Felonies " therein specified, it should be lawful for the Court, before whom " they were convicted, to order such Offenders to be sent to some " of His Majesty's Colonies and Plantations in America for the " several Terms of Seven Years, fourteen Years or for Life (according to their respective Crimes) and to convey transfer and make " over such Offenders to the Use of any Person, who shall contract " for the Performance of such Transportation, and to his Assigns " for such Term.

" It also enacts that such Contractor shall previous to the Delivery " of such Offenders to him to be transported give sufficient Security " to the Satisfaction of such Court, effectually to transport such " Offenders to some of his Majesty's Colonies and Plantations in " America, as shall be ordered by the said Court and procure an " authentic Certificate from the Governor or Chief Custom House " Officer of the Place (which Certificate they are thereby required " to give forth with, without Fee or Reward as soon as conveniently " may be) of the landing of such Offenders so transferred, as aforesaid, in that Place whereto they shall be ordered, Death and Casualties of the Sea excepted) and that none of the said Offenders shall " be suffered to return from the said Place to any Part of Great " Britain or Ireland by the wilful Default of such Contractor or his " Assigns.

'6. Geo: 1. l. 23. This Statute likewise for the more effectual " Transportation of Felons, enacts that all Charges in and about " Making the Contracts, Taking Securities and Conveying of Felons " in order to be transported, shall be borne by each County, Riding, " Division, Liberty or Place for which the Court was held that " ordered such Felons to be transported;

And directs the Manner of the Payment of it by their Transfer to the Contractor.

Agreeable to those Statutes such Contracts for the Transportation of Felons have hitherto been made, the Expences thereof borne, such Bonds executed and such Certificates of their landing abroad procured.

But the Merchant who usually contracts upon this Occasion, has now received Advice from his Correspondent at Maryland that the Assembly of that Colony have imposed a Tax of Twenty Shillings upon every Convict to be landed there.

Such Vote of that Assembly must necessarily produce one of these two Consequences,

either that the Courts here must not Order the Felons to be transported to Maryland,

or an additional Expence of twenty Shillings ꝑ Head to be paid by the Treasurer of the County & from whence such Felons shall be

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transported—and which Expence so far as relates to London Middlesex and the Home Circuit (from which places the Transports are very numerous) His Majesty has been Graciously pleased to take upon himself and to pay out of his own Purse.

> Quære. Have the Assembly of that or any other Colony Authority to pass a Law laying a Tax of 20.s ℘ Head either on the Importer or the Buyer which is the same thing? And if they have not cannot the Contractor's Agent demand the Certificate prescribed by the Statute of the Convicts being landed there, without Payment of such Tax?

I am of Opinion that no Colony can make such a Law because it seems to me in direct Opposition to the Authority of the Parliament of Great Britain But the Charter of Maryland and the Power thereby given to make Laws is not stated. There always is a Restriction that they shall not be contrary to the Laws of England. But this Matter should be set right by a proper Complaint of the Law itself, and M.r Sharpe should be acquainted with it, in order to his taking the proper Steps to have the Law repealed or declared null. For it is a Matter of Publick Concern, and derogatory to the Crown and Legislature of Great Britain. By the same Reason they might lay a Duty upon or even prohibit British Goods.

W. Murray

6.th May 1755.

Accordingly Your Memorialist having caused a Copy of this Case and Opinion to be delivered to M.r Sharpe, he promised his Solicitor to make the necessary Representations to Your Lordship for his Redress.

Notwithstanding which Your Memorialist in 1756 received Advice from Maryland that on the 17.th November 1755 Twenty Shillings ℘ Head for Ninety Nine Convicts landed there had been demanded, insisted upon and received of his Agents (under the Authority of that Law) by M.r William Lux for the Collector and Naval Officer there, whereupon his Solicitor again renewed his Application to M.r Sharpe who not only gave his repeated Assurances that his Grievances should be redressed, but declared that the Attorney General had himself been pleased to enforce his Opinion with his Recommendations; but M.r Sharpe's ill State of Health disappointed Your Memorialist of the promised Redress.

After his Death [sic] Your Memorialist applied to Your Lordship's Secretary M.r Calvert, but as yet having obtained no Relief he now presumes to lay his Case before Your Lordship, not doubting but Your Lordship will immediately give the necessary Orders not only for the Reimbursing Your Memorialist such Monies as have hitherto been exacted from him in Opposition to the Laws of Great Britain but likewise for the Repealing or Explaining so much of the Law in Question as will prevent the like Exactions for the future.

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Here Your Memorialist finds it necessary from a cursory View of the Act in the Hands of M^r Calvert to express his Apprehensions that the ambiguous Term of Servants, which appear to be the Object of that Duty may admit of some Doubt as to the true Construction thereof. As Convicts transported are by the Statutes of this Kingdom declared to be the Servants of the Contractor and his Assigns and are by the Inhabitants of that Colony generally called Seven Years Servants and by that Denomination distinguished from indented Servants, it obviously appears that your Lordship's Officers have acted under the Indempnity of that Law and therefore Your Memorialist can have no Remedy against them.

Jn^o Stewart

[Endorsed on back]

To The Right Honble The Lord Baltimore $M.^r$ Stewart's Memorial
4 May 1757 R^d H H

B

THE CASE AS PRESENTED BY LORD BALTIMORE, AND THE LEGAL OPINION OF THE ATTORNEY-GENERAL, SIR ROBERT HENLEY, 1757

THE OPINION OF SIR ROBERT HENLEY, THE KING'S ATTORNEY-GENERAL, DATED JUNE 27, 1757, TO FREDERICK, LORD BALTIMORE, IN REGARD TO THE DEMAND OF JOHN STEWART FOR THE REIMBURSEMENT OF DUTIES COLLECTED FROM HIM UNDER THE ACT OF 1754 OF THE MARYLAND ASSEMBLY UPON CONVICTS SHIPPED INTO MARYLAND, AND AS TO WHETHER THE IMPOSITION OF THIS DUTY WAS CONTRARY TO THE LAWS OF ENGLAND; TOGETHER WITH A RESUMÉ OF THE MARYLAND AND BRITISH LAWS BEARING ON THE MATTER.

Case

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24 July 1754 An Act was passed by the Governor, Council & Assembly of the Province of Maryland Entitled "An Act for his Matys Services" Reciting a Letter from Lord Holderness to the Governor in $Aug.^{st}$ Preceding Signifying the March of $y.^e$ French & their Indians to Commit Hostilitys on his Matys American Dominions & that the Governor of Virginia had likewise given Notice that the French had Dispossessed many British Subjects of their Settlements and also Reciting the Defeat of Colonel Washington near the Borders of that Province. Therefore to Demonstrate their Willingness to Answer his Matys Commands & to Assist their Neighbouring

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Colony of Virginia It Is Enacted That the Commiss.rs of the Loan Office Do Pay to the Governor for the time being or his Order for his Matys Service £1.000..8..0. in Bills of Credit towards y.e Defence of the Colony of Virginia & his Majestys Dominions & the Relief & Support of the Wives & Children of the Indian Allies that put themselves under the Protection of that Government in such Manner as the Commander in Chief Shall find necessary. And the Treasurers of the Eastern & Western Shoars are also Directed to Pay to the Governor 2 other Sums of £900. & £1099..12..0. for the same purposes.

And for the Repaym.t & Replacing of the s.d Several Sums Amounting toger to £6000. There is a Duty in the first place Imposed upon all Hawkers & Pedlars Licences. Also an Annual Duty upon all Coaches Chariots & other Like Carriages. Then the Act Proceeds & Enacts further.

That all Masters of Ships & Vessells and Others Importing Servants into this Province by Land " or Water to serve for the " Term of 7 Years or Upwards at the time of their Entry Shall Pay " Unto the Naval Officer for the time being belonging to Such " Port or Place where they make their Entry the Sum of 20.s Curr.t " Money ꝑ Poll for each Servant. And that All Masters of Ships & " Vessells & others Importing Servants into this Prov.ce to Serve " by Indre or Custom of the Country for a Less Term than 7 Years " at the Time of their Entry Shall Pay unto the Naval Officer for " the time being belonging to such Port or Place where they make " their Entry the Sum of 5.s Curr.t Money ꝑ Poll for Each Servant. " And that for every Negroe Imported into this Province by Land " or Water the Importer or Importers of such Negroe or Negroes " Shall Pay to the s.d Naval Officer the Sum of 10.s Curr.t Money " Over & above the Dutys or Impositions Already Directed & Appointed to be paid by Any former Act or Acts of Assembly of this " Province And that there Shall be paid a Duty of Two Pence " Current Money per Gallon on all Madeira Wine Imported into this " Province by Land or Water by the Importer or Importers to the " Respive Naval Officers of the Port or Place where the same Shall " be Imported or brought into this Province by Land or Water as " aforesaid."

And It Is Likewise Enacted " That Every Master of a Ship or " Vessell or other Person who Shall Import Servants into this " Province Shall Make true Discovery upon Oath to the said Naval " Officers of the N.o of Servants by them Imported and the time they " have to Serve.

" Provided Always and it is Declared that no Germans or other " Aliens Coming into this Prov.ce from any Port of the United " Provinces or Flanders Shall be held or Deemed Liable to Pay " the Duty or Dutys hereby Imposed on Servants.

" Provided Also That in Case any Duty Shall be paid for Negroes "or Servants in Virtue of this Act And that such Negroes and "Servants Cannot be Sold by the Importer And that such Importer "shall Desire to Export such Slaves or Servants And shall Give "Bond with Sufficient Sureties to the Naval Officer to whom Such "Duty hath been paid that he or they Shall and Will Export Such "Slaves or Servants to any other his Matys Plantations It Shall be "Lawfull for Such Naval Officer to Repay the Same Duty for such "Slaves or Servants so as afores.^{d} by him Received in Proportion "to the N.^{o} of Slaves or Servants so Bonded to be Exported And that "a Certificate under the Hand & Seal of the Collector & Naval "Officer of the District in any other his Matys Colonies Where the "s.^{d} Servants or Slaves Shall be Carried to, That Such Servants & "Slaves have been Bona Fide Entered with such Collector & Naval "Officer Returned to the Naval Officer taking such Bond in the "Space of Six Months after the Date of such Bond Shall Vacate "the Same."

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ditto

There is also a further Duty Imposed by this Act for the purposes afs.^{d} upon all Ordinary Keepers.

If more Money Shall be Raised by Virtue of this Act than the £6000. the Surplus is Directed to be Applyed towards Dische of the Publick Expences of the Province as the General Assembly for the time being Shall Direct

This Act to Commence on 1 Aug.st 1754. & to Continue till the £6000: thereby Directed to be paid Be Levied & Replaced as af.^{d} & till y.^{e} End of y.^{e} next Assemby after Such Repayment.

Note. This Act being Calculated for Raising an Immediate Supply of Money for his Matys Service upon the then Emergency of Governm.^{t} there is no Clause in it to Suspend the Operation till the Proprietarys Pleasure Signifyed upon it nor have any Such Clauses been Usually Inserted in Acts Passed in this Province. But the Act having Reced the Assent of the 3 Different Branches of the Legislature of the Province on 24 July 1754. is Expressly made to Commence in a Week afterw.^{ds} on Aug.st 1754 long before y.^{e} Proprietary co.^{d} have any Notice of it. But the Proprietary has not as yet Signifyed any Assent or Dissent to it as having neir Motive nor Inclination to Dissent to an Act so Essentially necessary to the very Existence of the Province & the necessity of an Assent being Removed by the immediate Operat.^{n} of the Act.

About a Year after Passing this Act Application was first made to Lord Baltimores Agents in England by M.^{r} John Stuart of London Merch.^{t} the Contractor with the Goverm.^{t} for the Exportation of the Convicts, Complaining that by Virtue of this Act the Naval Officers of the Province had taken from his Agents a ffee of 20.^{s} for every Convict there Landed But this Complaint being made by Parolle only

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& not immediately to his Lordsp^{s} No further Notice was then taken of it. But about the begining of May 1757. M.^{r} Stuart Addressed & Left a Written Memorial with his Lordship Stating.

May 1757. Mem.^{ll} of M.^{r} Stuart ag.st the Act.

That in 1754. the Assembly of Maryland Passed a Law Imposing a Duty of 20.^{s} ꝑ Head on all Servants Imported there; Under the Authority of which Law the Naval Officers there had Enacted & Received of the Memorialist's Agents the sum of 20.^{s} ꝑ Head for Convicts Transported to that Place in Obedience to the Memorialist's Contracts with his Maty & his Courts of Justice in this Kingdom.

Also Stating y.^{e} 2. foll. Acts of Parliam.^{t} made in the late King's Reign Viz.^{t}

Act 4.th Geo: 1. C. 11. This Statute for y.^{e} more Effectual Transportation of Felons,

"After Reciting that it had been found by Experience that y.^{e} " Punishm.^{ts} Inflicted by the Laws ag.st the Offences therein Enumerated had not Proved Effectual to Deter Persons from being Guilty " of those Crimes; and that many Persons to whom Royal Mercy " had been Extended, upon Condition of Transporting themselves " to the West Indies, had often Neglected to perform that Condition; " And that in many of his Majestys Colonies and Plantations in " America, there was great Want of Servants, who by their Labour " & Industry might be the Means of Improving & making y.^{e} s.^{d} " Colonies & Plantations more Usefull to this Nation.

ditto " Enacts That Where any Person Shall be Convicted of the Felonies therein Specified, it should be Lawfull for the Court, before " whom they were Convicted, To Order such Offenders to be sent " to some of His Majestys Colonies & Plantations in America for " the Several Terms of 7. Years, 4. Years, or for Life (According " to their Respive Crimes) and to Convey Transfer & make Over " such Offenders to the Use of any Person who Shall Contract for " the Performance of such Transportation, & to his Assigns for " such Terms.

" It also Enacts That such Contracts Shall previous to the " Delivery of such Offenders to him to be Transported give Sufficient " Security to the Satisfaction of Such Court, Effectually to Transport such Offenders to some of his Matys Colonies & Plantations " in America, as shall be Ordered by y.^{e} s.^{d} Court & procure an " Authentic Certate from the Governor or Chief Custome House " Officer of y.^{e} Place (w.^{ch} Certificate they are thereby Required to " give forthwith, without Fee or Reward as soon as Conveniently " may be) of the Landing of such Offenders so Transferred, as " afores.^{d}, in that place whereto they Shall be Ordered, (Death & " Casualties of the Sea Excepted) & that none of the s.^{d} Offenders

" Shall be Suffered to Return from the said Place to any part of " Great Britain or Ireland by the Wilfull Default of Such Contractor " or his Assigns.

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Act " 6: Geo: 1: l: 23. This Statute likewise for the more Effectual Transportation of Felons, Enacts that all Charges in & about Making the Contracts, Taking Securitys & Conveying of Felons in Order to be Transported Shall be born by each County, Riding, or Division, Liberty or Place for which the Court was held that Ordered such Felons to be Transported.

And Directs y.^{e} Manner of y.^{e} Paym.^{t} of it by their Treasurer to the Contractor.

And further Stating That Agreeable to these Statutes such Contracts for the Transportation of Felons had hitherto been made, the Expence thereof borne, Such Bonds Executed, & Such Certificates of their Landing Abroad Procured.

That the above Act of Assembly must necessarily Produce One of these two Consequences.

Either that the Court here must not Order y.^{e} Felons to be Transported to Maryland.

Or an Additional Expence of 20.^{s} ꝑ Head to be paid by the Treasurer of the County &c. from whence such Felons Should be Transported. And w.^{ch} Expences so far as Related to London, Middlesex, & the Home Circuit (from w.^{ch} Places the Transports were very Numerous) His Maty had been Graciously pleased to take upon himself and to Pay out of his own Purse.

That the Memorialist in 1756. Received Advice from Maryland that on 17.th Nov.^{r} 1755. 20^s ꝑ Head for 99. Convicts Landed there had been Demanded, Insisted upon, & Received of his Agents (under y.^{e} Authority of that Law) by M.^{r} W.^{m} Lux for y.^{e} Collector & Naval Officer there.

That he Presumed to Lay his Case before his Lordship, not Doubting but his Lordship wo.^{d} immediately give the necessary Orders not only for the Reimbursing him such Monies as had hitherto been Exacted from him in Opposition to the Laws of Great Britain but likewise for the Repealing or Explaining so much of the Law in Question as wo.^{d} prevent y.^{e} like Exactions for y.^{e} future.

That the Memorialist found it Necessary from a Cursory View of the Act to Express his Apprehensions that the Ambiguous Term of Servants, which Appeared to be the Object of that Duty might Admit of Some Doubt as to the true Construction thereof. But as Convicts Transported are by the Statutes of this Kingdom Declared to be the Servants of the Contractor & his Assigns and are by the Inhabitants of that Colony Generally called 7 Years Servants and by that Denominat:^{n} Distinguished from Indented Serv.^{ts}, It Obviously Appeared that his Lordsp's Officers had Acted under y.^{e} Indempnity

ditto

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of that Law And therefore the Memorialist could have no Remedy against them.

Observ.^{ns} on this Mem.^{ll}

In Answer to the Remarks contain'd in M.^{r} Steuarts Mem.^{ll} It may be Observed

That the Money given by this Act is for the immediate Service of the Crown & not for the Private Emolument of the Prop.^{rs} To Repell Enemies who had then Actually Invaded That & the Neighbouring Prov.^{ces} & were become very Formidable from their Success. It was not only a Supply to his Maty but in Consequence of his Matys Express Commands Signified by his Secretary of State. The Money given is made immediately payable (as Required by the Exigencies of the Times) out of the Publick Funds of the Province then in hand & the only Office of the Act is to make Provisions for Replacing the Publick Stock thus Exhausted.

The Taxables or Objects of the Act are of 2 Sorts.

1st A Duty Imposed upon all Licences to Hawkers & Pedlars & to Ordinary Keepers which are in Reality part of the Lord Prop.^{rys} Private Revenue given him by his Charter but which he has been pleased not to Insist upon for the present out of his great Regard to the Province. Also a Duty upon Coaches &c. & upon Madeira Wines.

2.^{d} A Duty of 20.^{s} ꝑ Poll payable at entry by all Masters of Ships & others Importing Servants into the Province to Serve for the Term of Seven Years or upwards. Also a Duty of 5.^{s} ꝑ Poll on all Masters of Ships & others Importing Servants to Serve by Indre or Custom of the Country for a Less Term than 7 years. And a Duty of 10.^{s} for every Negroe Imported. With a Drawback upon Re Exportation & an Except.^{n} in favor of Germans & o.^{r} Aliens Imported from Flanders or the United Provinces.

Convicts Eo Nomine, can never be Serv.^{ts} within y.^{e} Lre or Spirit of this Act.

The Expences of the Transportation as well as every other Incident is by the English Acts Imposed upon the Partar County from whence the Felon is Transported but which Expence (as stated in the Mem.^{ll}) so far as Relates to London Middlesex & the Home Circuit His Maty has taken upon himself

And it is well known That the Contractor has an Allowance of between £4. & £5. ꝑ Poll from the Treasury for every Felon he Transports w.^{ch} Considering the Casualty as well as Shortness of the Voyage & that the Felons Usually Work their Passage over & Supply the Place of Seamen is a very handsome Allowance and Enables the Contractor to Engross Almost the Whole Tobacco Trade, the Advantages of the Outward Bound Voyage Enabling him to Return at a much Lower Rate of Freight than any other

Merch.^{t} can Afford to do. He makes no Abatement in his Contract with the Treasury for the Emolum.^{ts} he is to Receive from the Assignm.^{t} of the Felon's Temporary Service Whereas If the Treasury was to Authorize as they now only Connive at the Sale of the Felon the Contractor ought to Pay instead of Receiving a Consideration for the Passage & its well known what great Sums are paid to procure Indented Servants to go over.

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The English Acts Empower the Court of Session to Assign over the Felon to any ꝑson for the Term for which he is to be Transported but this Seems only Calculated (& so it Appears from the Preamble to the Act) the more Effectually to prevent the Felon's Return from Transportation and not to Enhance the Contractors Profit. All that is Required of the Contractor being to Transport the Felon to America (for which he is paid by the Treasury) & when he has Returned the Requisite Certificates of the Landing w.^{ch} he must have without ffee or Reward he has performed his Contract. So that the Contractors Care and Business ends with the Landing as the only Service he performs is giving the Felon his Passage.

ditto

It may be Customary for the Contractor to make a Partar Assignm:^{t} of the Felon (Where he cannot purchase his Liberty or pay the Price of Electing—the Parlar place of his Exile) for a Pecuniary Cons.^{n} for the 7. or 14. years for which he is Transported. But the Acts do not Enjoyn any Such Assignm.^{t} the Contractor gives no Security for making such an Assignm.^{t}, No Certificate is Required of it. Nor will the Contractor Admit the Obligation of Selling every Felon he Transports but only where the Felon cannot Pay the Price of his Redemption from Slavery.

Had Maryland Refused to Receive these Felons, they wo.^{d} have Done Wrong. Had they Imposed a Tax upon them as Felons payable at Landing they wo.^{d} have been no less Culpable. Naye Had they made a Law by which these Felons under their new Denomination of Servants had alone been Taxed, there might have been Room to Complain.

The Memorial indeed Intimates That the Maryland Act can only mean to Tax Convicts from the Expression of Servants for Seven Years But had that been the Sole intention of the Act it would have gone further & have Added Serv.^{ts} for 14 years & for Life for there are Felons of each Sort. Whereas the Act Imposes a Duty Indiscriminately upon Servants of all Sorts Whether Imported to Serve for 7 Years or upwards or for a Less Term than 7 Years (by which can never be Understood Convicts) and even upon Negroes.

The Contractor will still have his Certificate upon Landing his Felons without ffee or Reward. The Duty then only becomes payable when the Felon Assumes the new Character of a Serv.^{t} & the Contractor Receives the fresh Reward for his Serv: & not the Price for his Transportation or Passage.

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Whilst he Transports him as a Felon he is paid for it by the Goverm.^{t} & has his Certificate upon Landing without ffee or Reward. If upon Landing he does not Set him at large but upon a New Contract made in the Country Sells him as a Servant Then he Receives a new Reward not Stipulated for by the Goverment & Consequently ought to Contribute to the Support of Goverment in the same manner as every other Importer of Serv.^{ts} or Negroes into the Country.

If the Importer cannot sell his Servant the Act Particularly Directs y.^{e} Duty to be Repaid him so that from the Terms of the Act M.^{r} Stuart can never have paid Duty for his Convicts unless he made them Servants also.

So that in Reality this is no Tax upon the Importer but upon the Buyer only nor was it ever understood in any other Light in Respect to Indented Servants or Negroes the other Objects of the Act & it is no uncommon thing for the Buyer to Import his own Servants & the Buyer Exercising his property in the Province that Property ought to bear the Common Burthen as it partakes of the Common benefit of Gov.^{t}

M.^{r} Stuart had Agents Resident in the Province at the time the Law Passed but they never Objected to it.

What Merit has the Contractor to Entitle his Servants to be put upon a better footing than any other Serv.^{ts} Imported into the Province & has he not Sufficient Advantages Already to Enable him to Under Sell every other Importer Or wou'd he have their Serv.^{ts} Alone Taxed to make his Sell the better.

Is there then any foundation Remaining to Consider this Act as Derogatory to the Crown or Legislature of Great Britain.

Or Agreable to M.^{r} Stuarts Request for the Lord Prop.^{ry} to Return him any Money he may have paid for his Convict Serv.^{ts} in Consequence of this Act Or for his Lordship either to Repeal or make any Explanations of the Law in his Favor.

Near 3 Years have now Elapsed Since the Law was made and no Memorial or Written Applicat.^{n} made by M.^{r} Stuart ag.st it till May 1757. The Moneys given by the Act have long Since been Appropriated & Raised & paid Accordingly. And for the Lord Propr.^{ty} now to Repeal or Vary it (which wo.^{d} be tantamount to a Repeal) must be Attended with very Mischievous Consequences to y.^{e} Publick Credit of the Prov.^{ce} Must Involve the Collectors & other Officers of the Revenue in Litigation & Expenses Create a Breach between his Lordship & his Province and possibly at this Juncture Lay him under a Suspicion at home of Disaffection or at least of want of Zeal for his Matys Service.

OPINION

Upon the whole Your Opinion is Desired upon Consideration of the Maryland Act together with M.^{r} Stuarts Memorial and the Observations Arising upon it

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1.st Qu[aere]. Whether this Act of Assembly be in any Respect Repugnant to the Laws of England or an Improper Exortion of the Legislative Powers of this Province so far as it Respects the Matter of M.^{r} Stuarts Complaint.

This Question is very extensive and difficult to be Answered as it seems to refer to all the Laws of Great Britain Relative to the Colonies, but as far as those Laws are particularised with the Case, I do not see that the Act of Assembly is repugnant to them or any improper Exortion of the Legislative Power in Maryland.

2.^{d} Qu[aere]. Supposing there be any foundation for that Complaint Can it now be Advisable for Lord Baltimore to Repeal or vary the Law (after so long an Acquiescence) as Required by M.^{r} Stuart and what will be the Consequences of such Repeal or Variation and what Answer will it be proper for His Lordship to return to the Memorial. And Is there any pretence for Requiring his Lordship to Refund Personally any money which may have been Levied upon M.^{r} Stuart by Virtue of this Act (Supposing the Act to have been over so injurious or illegal).

I think it would not be proper for Lord Baltimore to vary the Law after so long an Acquiescence especially as the Gov.^{t} hath not remonstrated against It, as a Repeal might be Attended with great Confusion in the Province. Nor do I see why Lord Baltimore sh.^{d} Personally refund this Money. But if there are any Acts of Parliament that seem to restrain the Legislature of Maryland from Affecting with a Duty any Imports from Great Britain it may be prudent for Lord Baltimore to Stop this Precedent least it sh.^{d} occasion the Parliam.^{t} to impose further Restraints

R: Henley

27. June 1757.

[Endorsed on back]

Attor.^{y} General's S.^{r} Robt. Henley Opinion on the Act of Assembly 1754 £6000 for His Majestys Service with relation to M.^{r} Stuart's Memorial ab.^{t} the Duty Collect'd on transported Convicts in Maryland & Lord Baltimore's Answ.^{rs} delivered By M.^{r} Hemersley Attor.^{y} to M^{r} Stuart July 14.th 1757.

V

BONDS OF COMMISSIONERS OF THE LOAN OFFICE, 1758

LEGAL OPINION, DATED MAY 18, 1758, OF STEPHEN BORDLEY, ATTORNEY-GENERAL OF MARYLAND, GIVEN TO GOVERNOR HORATIO SHARPE, UPON THE SCOPE OF THE SURETY BONDS, GIVEN UNDER THE TERMS OF THE CURRENCY ACT OF 1732 BY THE COMMISSIONERS OR TRUSTEES OF THE LOAN OFFICE FOR THE PERFORMANCE OF THEIR DUTIES. THE SUFFICIENCY OF THESE BONDS AS A BASIS FOR SUITS AGAINST THEM WAS A MATTER OF HEATED DISCUSSION BETWEEN GOVERNOR HORATIO SHARPE AND THE LOWER HOUSE, AS RECORDED IN THIS VOLUME.

May it please Y.^{r} Excy

MSS. Archives of Md. Portfolio No. 4 Letter 53 Hall of Records

I have carefully perused the Act of Assembly in 1732 for Emitting the Paper Currency; The Act in July 1740 on the Expedition ag.^{t} Carthagena; And the Act in June 1746 on y^{e} Expedition ag.^{t} Canada: By the first of the said Acts fo. 7. I find that the Com.^{rs} or Trustees of the Loan Office, before they Enter upon the Execution of their said Trust, are each of them to Enter into Bond with Suff.^{t} Sureties to one of the prov.^{l} Treasurers for the time being, in the penalty of one thousand pounds each Sterling, payable to the Lord proprietary, Conditioned for the observance of the Trust by that Act reposed in them; So that the Bond given by y^{e} Com.^{rs} upon their Entring into their Office, is by an Express Limitation to be Considered only as a Security for their performance of the Trust reposed in them by the Currency Act in 1732 And as I do not find either in the Act of 1740, or of 1746, any reference to their Bonds given under the Act of 1732, Or in either of these Acts any direction that they should give New Bonds as a Security for their Compliance with either of them; There seems to me to be no bond from them upon which Action will lie, for any Monies which it may be said they have Received either by Virtue of the Law of 1740, or of 1746.

I am S.^{r} Y.^{r} Excys
Most Obed.^{t}
Hble Serv.^{t}
S. Bordley

Annapolis 18.th May 1758.

VI

THE ACCOUNTS OF GOVERNOR HORATIO SHARPE, JUNE 1758–MARCH 1759, ON DISBURSEMENTS FOR THE WESTERN EXPEDITION AGAINST FORT DUQUESNE, EXPENDED BY THE ORDERS OF BRIGADIER-GENERAL JOHN FORBES, COLONEL HENRY BOUQUET, AND SIR JOHN ST. CLAIR.

An Account of Sundry Disbursements made by Governor Sharpe on Acco.^{t} of the Western Expedition by Desire of Brigadier Forbes, Colo Bouquet & S^{r} John S.^{t} Clair.

MSS. Archives of Md. Portfolio No. 3 Paper 22 Hall of Records

1758			Maryland currency £		
June	14	Cash paid at Fort Frederick to Joseph Vulgamott for carrying Arms as ꝑ Rec.^{t}	4	15	0
	15	To James Black for D^{o}	..	12	6
	26	To John Jones for D^{o}	3	0	0
	26	To Will^{m} Teegarder for D^{o}	3	0	0
	28	To Geo Ross for D^{o}	6	0	0
	29	To Adam M^{c}Carty for assisting Capt. Shelby in laying out a new Road to F C	1	10	0
	29	To Rob^{t} Monroe for going Express from Fort Frederick to Carlyle	2	0	0
July	2	To Tho.^{s} Schley for Carryage of 6 Load of Arms from Annapolis	24	10	0
	8	To Dan.^{l} Pursley & other Battoemen for Carrying Artillery Stores to Fort Cum.^{d}	46	12	8
	10	To Benj.^{a} Sweet W.^{m} Clements And.^{w} Linn & Dan.^{l} Linn for sawing Plank to make Coffins for the N Carolina & Pens^{a} Soldiers that died at Fort Frederick	1	18	8
	10	To Geo Ross for a Horse that was shot Yesterday by Indians under Corporal Madden as he was going to Carlyle with a Lett^{r} to S^{r} John St Clair	9	10	0
	11	To John Cary for 73 Blanketts which were sent to Winchester	53	1	0
	16	To Arthur Toole for carrying Swords Holstors &c to Winchester	6	10	0
	17	To Tho.^{s} Mains for his Waggons' attending the Pensilvania Detachments under the Command of Major Wells on the New Road	5	12	6

MSS. Archives of Md. Portfolio No. 3 Paper 22 Hall of Records

1758			Maryland currency £		
July	17	To Joseph Tomlinson for his Waggon D^{o} &c	9	15	0
	19	To Conrad Grosh for Carrying 3 Load of Corn to Fort Frederick	9	0	0
	28	To Capt Shelby to equip his Company of Volunteers	82	3	10
	29	To Martin Casner ꝑ Casper Shaaf for attending the N Carolina Detachments on the New Road with his Waggon	6	0	0
	29	To D.^{o} ꝑ D.^{o} for Carrying the N Carolina Troops Baggage to F.^{t} Loudoun	2	5	0
	29	To John Cline ꝑ Casper Shaaf for Carrying Baggage to D^{o}	3	0	0
	29	To James Havens for his Waggon attending the Detachments on the Road &c	10	10	0
	29	To John Ogilvie for his Waggon attending Cap^{t} Beall's Detachm.^{t}	5	5	0
	29	To Dan.^{l} M^{c}Pherson for Liquor dld to the Parties that worked on the New Road between Fort Frederick & Fort Cumberland	56	4	0
Aug.	7	To John Stephenson ꝑ J. Ridout for Two Ton of Bar Iron	54	0	0
	7	To Geo Trebeck for Carryage of said Iron from Baltimore to F.^{t} Fred.^{k}	10	10	0
	7	To John Harmason & Casper Everly for working on the new Road	1	1	0
	11	To James Perry for Carryage of a Load of Corn to Fort Frederick	3	0	0
	12	To Rodolphus Eltinge for carrying artillery Stores to F.^{t} Cumberland	17	15	0
	16	To John Darnall for 500 Bush.^{s} of Corn sent by sundries to F^{t} Fred^{k}	50	0	0
	21	To James Havens for carrying a Letter of Gen^{l} Forb.^{s} from F.^{t} Fred^{k} to Winch.^{r}	0	15	0
	30	To Fred^{k} Dunfield for carrying some People who had the Small Pox from Fort Frederick & fetching ammunition thither	3	2	6
	30	To Evan Shelby for his Waggon's Attendance on the New Road	4	10	0
	30	To Isaac Baker for his Waggon^{s} D^{o}	4	10	0

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1758		Maryland currency £		
Aug. 30	To Isaac Baker for Liquor dld the Parties that made the Road from Pawlins's to Fort Frederick	6	0	0
30	To David Ross for Liquors dld to the Detachments that worked on the new Road after the 11th July	5	5	6
30	To David Ross for Provisions dld to sundry Waggoners at Ft Fredk	2	14	0
30	To Do for Provisions dld to the Battoemen who carried Stores to F.t Cumbd	4	19	9
		£520	18	11
Augt 30	Amount brought forward from the other side	£520	18	11
30	Cash paid at Fort Frederick to James Long for carrying a Load of Arms to Winchester, his Waggons attending afterwards on the New Road & fetching a Load of Corn	16	10	0
30	To James Long for going as Wagon Master with a Brigade to Winchester from Conegocheague & riding about to engage Waggons to carry Stores to F.t C	6	0	0
30	To Matthew Sharpe for Carryage of a Load of Corn to Ft Fredk	3	0	0
30	To Christian Thomas for Do	3	0	0
30	To John Shelby for Do	3	0	0
18	To James Perry ꝑ waters for carrying Artillery Store to Ft Cumbd	11	10	0
Oct 6 12 & 13	To Ezechiel Cox, Geo Coburn, Francis Thomson & John Harmison Battomen for carrying up Baggage belonging to the Militia that garrisoned Ft Cd	12	0	0
12	To Thos Cherry for Pasturing the Horses that brt Stores to Ft Fredk	2	0	0
Oct 12	To Andrew Campbell & John Duckett for Bringing some of the Sick Militia & their Baggage from Fort Cumberland & carrying arms from Ft F	6	5	0
16	To Saml Caecil for driving a Waggon loaded with arms to Fredk Town	1	4	4
Nov 2	To John Harwood for bringing a Letter from Winchester f.m Gen. Forbes	1	2	6

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			Maryland currency £		
1758					
Nov	7	To Henry Watts for coming Express with a Letter from the General at Rays Town	1	0	0
	7	To Geo Ross for a Horse that was Shot by Indians near Fort Frederick as Corporal Madden was riding it to Carlyle the 9th of July with a Letter to S^{t} John S^{t} Clair	9	10	0
		Cash retained for the Heirs of Elisha Perkins his Waggon having attended 9 Days the Detachments that worked on the new Road to Fort Cunb^{d}	6	15	0
		Cash ꝑ^{d} at Fort Frederick for which Receits were not taken viz. Sent to M^{r} John Wood to buy necessaries for the 3 People who were sent down the country in the Small Pox from Fort Frederick to prevent the Distemper's being communicated to the Soldiers	3	0	0
		To Serjeant Fields for apprehending & bringing to Fort Frederick five Deserters from the Carolina Troops	1	0	0
		To Wiggers for advising & assisting in laying out the new Road	1	6	0
		To Corporal Murphy going to Winchester from Fort Fred^{k} with a Packet from the General	..	15	0
		To Spencer for going to Caryle Express with a Lett.^{r} to S^{r} J^{o} S^{t} C^{r}	1	2	6
			£601	9	3

Account of Cash received from S^{r} John St Clair by Governor Sharpe

1758	At Conegochiegh the 13th of June (exclusive of the £1890 advanced by Order of General Forbes for the Use of the Maryland Troops)	£82.. 0..0		£601	9	3
	Cash received in a Letter from S^{r} John dated 23^{d} June	200.. 0..0				
	D^{o} in D.^{o} £100 Virginia Currency at 16 ꝑ C^{t} Advance	116.. 0..0				
	At Carlyle the 23^{d} July 74 Pistols	99..18.0				
1759	At Phila^{a} the 24 of March	103..11..3				
				0	0	0

VII

SUBSCRIPTIONS FOR SUPPORT OF THE MILITIA, 1758

THIS IS A STATEMENT OF EXPENDITURES OF MONIES OBTAINED BY PRIVATE SUBSCRIPTION TO SUPPORT THE MILITIA OF QUEEN ANNE'S COUNTY WHEN IT WAS MARCHED TO THE DEFENSE OF THE FRONTIER BY GOVERNOR SHARPE IN THE WINTER OF 1757-1758. THE ASSEMBLY HAD FAILED TO PASS A SUPPLY BILL, AND THE MONEY NECESSARY TO PROVIDE FOR THE COUNTY MILITIA WHEN CALLED OUT BY THE GOVERNOR, WAS RAISED BY PRIVATE SUBSCRIPTIONS, AROUSING GREAT INDIGNATION IN THE LOWER HOUSE.

Received of His Excellency Horatio Sharpe the sum of Twenty two Pounds seven Shillings Currency out of the Subscription Money in his Hands towards reimbursing me the Money that I was under a necessity of expending in Jan.^{y}, Feb.^{y}, and March 1758, when I was marching with my Company of Militia from Queen Anns County to the Frontier of Frederick during my Stay there and on my Return.

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Soc.

[Capt.] Henry Casson

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